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Promotion and protection of the rights of children

Sale of children, child prostitution and child pornography

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Maud de Boer-Buquicchio, in accordance with Assembly resolution 69/157.

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Report of the Special Rapporteur on the sale of children, child prostitution and child pornography

Summary

The present report is submitted pursuant to General Assembly resolution 69/157. The Special Rapporteur, Maud de Boer-Buquicchio, describes the activities undertaken in relation to the discharge of her mandate since her previous report to the Assembly (A/69/262).

She also provides a study containing an analysis of the effects of the sale and sexual exploitation of children on child victims and advocates for the establishment of comprehensive, rights-based and child-centred care, recovery and reintegration programmes as part of effective national child protection systems.

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I. Introduction

1. In its resolution 69/157, the General Assembly requested the Special Rapporteur of the Human Rights Council on the sale of children, child prostitution and child pornography to continue to submit reports to the Assembly on the activities undertaken in the fulfilment of her mandate.

2. In the present report, the Special Rapporteur provides information on her activities undertaken from August 2014 to August 2015. The report also contains a study on the effects of sexual exploitation on child victims; measures of implementation of the right to care, recovery and reintegration of child victims; and recommendations for the establishment of comprehensive, rights-based and child-centred care, recovery and reintegration programmes.

II. Activities of the Special Rapporteur

A. Country visits

3. The Special Rapporteur undertook an official visit to Armenia from 12 to 18 May 2015. The Government of Japan has accepted her request to conduct an official visit from 2 to 8 September 2015. The Governments of Georgia and Bulgaria responded positively to the invitation requests sent by the Special Rapporteur to undertake an official visit to their countries. The Special Rapporteur has yet to receive replies to her requests for an invitation from the Dominican Republic, the Gambia, India and Viet Nam.

B. Communications and press releases

4. The Special Rapporteur sent communications in the form of allegations and urgent action letters on violations of children's rights falling under the scope of her mandate to concerned Member States. These communications and the responses from the Governments concerned are publicly available in the joint communications reports of the special procedures submitted to the Human Rights Council.[1]

5. During the reporting period, the Special Rapporteur issued press releases, both alone and jointly, to raise concern and call for action on specific thematic issues related to her mandate, including child empowerment, modern-day slavery, racial discrimination against persons of African descent, a safer Internet, street children and trafficking. She also joined other human rights experts in issuing, on 13 April 2015, a joint press release on the first anniversary of the abduction of schoolgirls from Chibok, Borno State, Nigeria, on the sale and sexual exploitation of children by Boko Haram.

6. On the occasion of the fifteenth anniversary of the adoption of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, the Special Rapporteur participated in a joint statement calling for their universal ratification and implementation. She also sent letters

[1] See www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx.

calling for the ratification of the Optional Protocol on the sale of children, child prostitution and child pornography to Member States that had not yet ratified it.

C. Other activities

1. Follow-up to thematic report

7. In her annual report to the Human Rights Council, submitted at its twenty-eighth session (A/HRC/28/56 and Add.1), the Special Rapporteur focused her research on the issue of information and communication technologies and the sale and sexual exploitation of children. The addendum to her report dealt with the follow-up visit to Honduras undertaken by her predecessor, Najat Maalla M'jid, in April 2014.

8. The Special Rapporteur participated in a number of events and meetings in preparation of and as a follow-up to her report on information and communication technologies. On 12 September 2014, she was a panellist at the day of general discussion on digital media and children's rights organized in Geneva by the Committee on the Rights of the Child. On 16 October, in the context of the presentation of her annual report (A/69/262) to the General Assembly, the Special Rapporteur participated in a high-level panel on information and communication technologies, the Internet and violence against children organized by the Special Representative of the Secretary-General on Violence against Children. On 21 October, the Special Rapporteur participated in a meeting on cybercrime and children during the Law, Justice and Development Week of the World Bank, held in Washington, D.C. On 24 November, she participated in the event on children on the move and information and communication technologies organized by Save the Children in Stockholm.

9. On 10 December, she participated in the opening of the Children Online Global Summit to tackle online child sexual exploitation organized in London by the Home Office of the United Kingdom of Great Britain and Northern Ireland. Since then, she has been named as an active observer to the #WePROTECT International Advisory Board.

10. On 9 March 2015, during the twenty-eighth session of the Human Rights Council, she organized a side event with the Special Representative of the Secretary-General on Violence against Children on information and communication technologies and the sale and sexual exploitation of children.

11. On 9 July, she participated in the second meeting of the International Advisory Board of the #WePROTECT initiative in preparation for the follow-up summit to be held in the United Arab Emirates in November 2015.

2. Conferences, seminars and engagement with civil society

12. The Special Rapporteur participated in numerous conferences and expert meetings during the period under review. On 9 and 10 September 2014, she participated in the Third Expert Meeting on Returns and Transfers in Practice: case examples of children exposed to exploitation, trafficking and children at risk, organized in Vilnius by the Council of the Baltic Sea States. On 10 October, she participated in the annual conference on the rights of the girl child on the subject "A world without child marriage: how do we get there?", organized in Oslo by Plan

Norway. On 30 October, she gave a keynote speech at the Seventh International Consultation of Child Helplines, held in in London.

13. On 4 November, she attended the event commemorating the thirtieth anniversary of the adoption of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, organized in Geneva by the Committee against Torture. On 20 November, the Special Rapporteur addressed the high-level meeting of the General Assembly on the twenty-fifth anniversary of the adoption of the Convention on the Rights of the Child and participated in a high-level panel discussion on the Convention organized by the Special Representative of the Secretary-General on Violence against Children. On 2 December, she participated in the International Assembly of End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT International), held in Paris.

14. On 15 January 2015, the Special Rapporteur was a speaker at the conference "Working together against child trafficking", organized by the Nidos Foundation and the European Network of Guardianship Organizations in The Hague. On 27 April, she attended a seminar on trafficking, with a special focus on children, organized by the Vatican and the Government of Sweden, held in Vatican City.

15. The Special Rapporteur gave a presentation on 16 June at the International Summit on the Legal Needs of Street Youth, organized by the American Bar Association in London. On 18 and 19 June, she participated in a cross-regional meeting on protection of children from sexual violence organized in Strasbourg, France, by the Special Representative of the Secretary General on Violence against Children and the Council of Europe. The Special Rapporteur also spoke on 6 July at the opening of the forty-sixth annual study session of the International Institute of Human Rights, on children and international human rights law, held in Strasbourg.

III. Study on the care, recovery and reintegration of child victims of sale and sexual exploitation

A. Introduction

16. The present study analyses the impact of sale and sexual exploitation on children who experience these abhorrent crimes. It further provides details of examples of care, recovery and reintegration services, policies and programmes available at the local and national levels for child victims. Building on the work of previous mandate holders (see A/HRC/7/8 and A/66/228), the aim of the study is to provide clarity on the right to care, recovery and reintegration of child victims; address their specific needs and wishes; and propose comprehensive, rights-based and child-centred care, recovery and reintegration programmes as part of effective national child protection systems.

17. This study is based on a review of the literature on the topic,[2] the analysis of responses to the questionnaire sent by the Special Rapporteur to relevant stakeholders[3]

[2] The Special Rapporteur would like to thank students of the T. H. Chan School of Public Health and the John F. Kennedy School of Government at Harvard University and the Fletcher School of Law and Diplomacy at Tufts University, who assisted in the research for the present study under the coordination of Professor Jaqueline Bhabha of the T. H. Chan School of Public Health.

[3] See www.ohchr.org/EN/Issues/Children/Pages/CareAndRecovery.aspx.

and feedback from experts and practitioners. She would like to thank the 45 States,[4] 11 non-governmental organizations,[5] 2 international/regional organizations[6] and 1 expert body[7] for their contributions.

18. For the purpose of the present study, "care, recovery and reintegration programmes" refer to the full range of policies and services that are necessary to ensure the physical, cognitive, psychological, psychosocial and spiritual recovery, and the full social reintegration, of child victims. Care and recovery include: (a) immediate and crisis needs (e.g. immediate safety, emergency shelter, basic necessities, language interpretation, emergency medical and psychological care and legal aid); (b) ongoing needs (e.g. physical and mental health, substance abuse problems, safety, transitional housing, legal and immigration issues, language needs); and (c) long-term needs (e.g. education, vocational training and life skills, permanent housing, family reunification or alternative care arrangements).[8] Care and recovery should be envisaged simultaneously as they are constituents of immediate relief for child victims. The notion of social reintegration refers to medium- to long-term care. It emphasizes the need for child victims to be able to return to the social fabric (e.g. home or biological family, or a new community) and to be protected from discrimination because of their experiences during exploitation.[9] For the purpose of the present study, a child means every human being below the age of 18 years, as stipulated in article 1 of the Convention on the Rights of the Child.

19. The present study aims to address the care, recovery and reintegration needs of child victims affected by sexual exploitation, including prostitution and pornography, as defined in articles 2 and 3 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and related trafficking. Other forms of exploitation covered by the mandate are not the focus of the present report (e.g. sale for the purpose of transfer of organs, forced labour and illegal adoptions).

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[4] Albania, Australia, Bahrain, Belarus, Canada, Colombia, Cuba, Czech Republic, El Salvador, Estonia, Finland, Georgia, Germany, Greece, Hungary, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lithuania, Mauritania, Mauritius, Mexico, Morocco, Myanmar, Nepal, Pakistan, Qatar, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Switzerland, Togo, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America.

[5] Casa Alianza Honduras, Children's Rights in Goa, Dar Al Amal, Defence for Children-ECPAT Netherlands and United Nations Children's Fund (UNICEF) Netherlands, ECPAT International, ECPAT Germany, ECPAT Samoa, ECPAT United Kingdom, Home: The Child Recovery and Reintegration Network, ONG Raíces-Chile and Terre des Hommes Netherlands.

[6] Council of Europe and Office of the United Nations High Commissioner for Refugees (UNHCR).

[7] International Centre: Researching Child Sexual Exploitation, Violence and Trafficking of the University of Bedfordshire, United Kingdom.

[8] R. J. Macy and L. M. Graham, "Identifying domestic and international sex-trafficking victims during human service provision", *Trauma, Violence, and Abuse*, vol. 13, No. 2 (April 2012), pp. 59-76; Y. Rafferty, "Promising components of aftercare shelter programs for children who have been identified as victims of human trafficking" (forthcoming).

[9] Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, arts. 9.3 and 4; Committee on the Rights of the Child, general comment No. 13 (2011), para. 52.

B. International legal framework

20. Every child has a right under international law to receive care, recovery and reintegration services for the harm suffered as a victim of sexual exploitation. Major international human rights instruments confer this obligation on States as primary duty bearers. Article 39 of the Convention on the Rights of the Child obliges States to take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of exploitation, abuse or neglect, among other violations, in an environment which fosters the health, self-respect and dignity of the child. Article 9.3 of the Optional Protocol on the sale of children, child prostitution and child pornography adds that States parties shall take all feasible measures with the aim of ensuring all appropriate assistance to victims of sale and sexual exploitation, including their full social reintegration and their full physical and psychological recovery.

21. The Optional Protocol also outlines the obligation of States parties to provide support services to child victims throughout the legal process (art. 8.1 (d)); to ensure appropriate training for the persons who work with child victims of sexual exploitation (art. 8.4); and to ensure that child victims have access to adequate procedures to seek compensation (art. 9.4). The Optional Protocol further imposes an obligation on States parties to adopt measures to prevent the sale and sexual exploitation of children, giving particular attention to vulnerable children (art. 9.1), and to encourage the participation of children in information and education programmes about the measures to prevent and the harmful effects of the offences of sale and sexual exploitation (art. 9.2).

22. States have a duty to provide for care, recovery and reintegration of child victims. The Committee on the Rights of the Child, in its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, infers the responsibility of the State to "ensure the protection of child victims and witnesses and effective access to redress and reparation" (para. 41 (f)). Moreover, in its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee noted that for rights to have meaning there must be effective remedies that redress violations (para. 23).

23. Care, recovery and reintegration are also included in other major international legal instruments such as the Convention on the Rights of Persons with Disabilities (art. 16.4); the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (art. 6), the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization (ILO) (art. 7) and the ILO Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29) (art. 3).

24. Regional instruments also refer to the right to care, recovery and reintegration, notably the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) (arts. 11 and 14), the Council of Europe Convention on Action against Trafficking in Human Beings (arts. 12-14), the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (arts. 20-26), the South Asian Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (art. IX) and the African Charter on the Rights and Welfare of the Child (art. 16).

25. Standard-setting instruments such as the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime of 2005[10] and the Guidelines for the Alternative Care of Children of 2009[11] also stipulate that recovery and reintegration are essential forms of assistance to be provided to child victims. The Secretary-General's Study on Violence against Children (2006) also recommended providing recovery and social reintegration services. The Special Rapporteur on trafficking in persons, especially women and children, in the draft basic principles on the right to an effective remedy for victims of trafficking in persons (A/HRC/26/18, annex) and in her recommendations has underlined the obligation of States to provide rehabilitation and recovery, with special consideration being given to child victims of trafficking.[12]

26. A series of international commitments and policy initiatives has emphasized the need to provide recovery and reintegration to child victims. These include the Stockholm Declaration and Agenda for Action against Commercial Sexual Exploitation of Children, adopted at the World Congress against Commercial Sexual Exploitation of Children, held in 1996; the Yokohama Global Commitment adopted at the Second World Congress, held in 2001; and the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents, adopted at the Third World Congress against Sexual Exploitation of Children and Adolescents, held in 2008. In 2008 it was already noted that many States had not taken all feasible measures to effectively ensure the provision of appropriate assistance to child victims of sexual exploitation. Almost 20 years after the first World Congress, many of the challenges remain.

C. Effects of sexual exploitation on child victims

27. The scourge of sexual exploitation of children prevails in all regions of the world. Children worldwide are sold and/or trafficked, within countries and across borders for the purpose of sexual exploitation, including prostitution and pornography. Most children are not identified as victims owing to a variety of barriers (e.g. lack of specific legislation, fear of stigma and reprisals), leaving the crimes against them ignored or unreported and the victims without the support and protection services they need.[13] The paucity of empirical evidence hampers the capacity to effectively address the phenomenon, as do the limited resources allocated for eradicating it.

28. Research shows that girls account for the majority of documented victims of sexual exploitation. However, the fact that boys are also victims cannot be disregarded.[14] Similarly, children who identify as transgender are extremely vulnerable to sexual exploitation.[15] In the United States of America, lesbian, gay, bisexual,

[10] Economic and Social Council resolution 2005/20, annex.

[11] General Assembly resolution 64/142, annex.

[12] See Human Rights Council resolution 20/1.

[13] Y. Rafferty, "Challenges to the rapid identification of children who have been trafficked for commercial sexual exploitation" (forthcoming).

[14] R. Lillywhite and P. Skidmore,"Boys are not sexually exploited? A challenge to practitioners", *Child Abuse Review*, vol. 15, No. 5 (September/October 2006), pp. 351-361; H. Blanch and G. Miles, "An initial exploration of young males in the male-to-male massage industry in Phnom Penh, Cambodia", *Social Work and Christianity*, vol. 39, No. 4 (Winter 2012), pp. 407-434.

[15] O. Martinez and G. Kelle, "Sex trafficking of LGBT individuals: a call for service provision, research, and action", *International Law News*, vol. 42, No. 4 (Fall 2013).

transgender and intersex youth are disproportionately represented in runaway and homeless youth programmes and child welfare systems and 42 per cent of them have been sexually exploited.[16] A 2006 study in Cambodia found that 80 per cent of interviewed victims of street-based sexual exploitation were male.[17] In Taiwan Province of China, the number of boys being prostituted discovered through social networking sites peaked in 2008.[18] In Ethiopia, a study revealed that male children are specifically targeted for prostitution on the basis of the belief that anal intercourse is less likely to transmit HIV/AIDS.[19] A recent study in the United Kingdom found that one third of children accessing specialist sexual exploitation services were male.[20]

29. A number of risk factors increase children's vulnerability and place them at higher risk of being sold and trafficked to meet the demand for sex with children. They include being female, aged between 12 and 18, belonging to an ethnic minority, living in a rural area, lacking education, having a disability, inadequate family protection, living in extreme poverty and having migrated.[21] The general trends and patterns of sale, trafficking and sexual exploitation of children include increased control of trafficking routes and destinations by criminal organizations, which benefit from increased migration movements; the enhanced role of new technologies in marketing children for sexual exploitation, including through new forms of exploitation such as the online streaming of sexual exploitation (A/HRC/28/56, paras. 42-43);[22] the normalization of prostitution as a legitimate business in tourism and entertainment; and the wide-scale migration of women and girls for domestic and entertainment work.[23]

30. Gender-based discrimination and inequalities also play a large role in the propagation of sexual exploitation of children, in particular girls and children who identify as transgender.[24] Sexual exploitation of girls is often rooted in patriarchal structures that promote male sexual domination and do not condemn the

[16] Contribution from the United States of America.

[17] J. Davis, G. Miles and M'lop Tapang, "'I want to be brave': a baseline study on the vulnerabilities of street-working boys in Sihanoukville, Cambodia", paper presented at the Sixth Annual Interdisciplinary Conference on Human Trafficking 2014, University of Nebraska-Lincoln, p. 12.

[18] ECPAT International, *Global Monitoring: Report on the Status of Action against Commercial Sexual Exploitation of Children — Taiwan*, 2nd ed. (Bangkok, 2011).

[19] ECPAT International, *The Commercial Exploitation of Children in Africa: Developments, Progress, Challenges and Recommendation Strategies* (Bangkok, 2014).

[20] www.natcen.ac.uk/media/530797/hidden-in-plain-sight-final-22082014-under-strict-embargo-until-0001-27-08-2014.pdf.

[21] Ruth Rosenberg, *Promising Approaches — Addressing Child trafficking in Europe and Eurasia* (United States Agency for International Development (USAID), 2013); Anti-Slavery International, *Trafficking for Forced Criminal Activity and Begging in Europe: Exploratory Study and Good Practice Examples* (London, 2014), p. 21.

[22] Terre des Hommes Netherlands, *Becoming Sweetie: A Novel Approach to Stopping the Global Rise of Webcam Child Sex Tourism* (The Hague, 2013).

[23] K. M. Perry and L. McEwing, "How do social determinants affect human trafficking in Southeast Asia, and what can we do about it? A systematic review", *Health and Human Rights*, vol. 15, No. 2 (December 2013); "Push and pull factors in trafficking", Vanguard University (California, United States of America), podcast, 5 July 2012. Available from www.vanguard.edu/gcwj/eht32/.

[24] Y. Rafferty, "International dimensions of discrimination and violence against girls: a human rights perspective", *Journal of International Women's Studies*, vol. 14, No. 1 (January 2013), pp. 1-23; Y. Rafferty, "Gender as an obstacle to good health: health related human rights violations and the girl child", *International Psychology Bulletin*, vol. 17, No. 1 (Winter 2013), pp. 15-24; ILO, International Programme on the Elimination of Child Labour (IPEC), Baseline data on commercial sexual exploitation of children in the Municipality of San Salvador, 2006.

commercialization of girls and women. Culturally imposed feminine gender stereotypes also contribute to sexual exploitation of women and girls by placing them in the role of serving males, negating their ability to make decisions regarding their own sexual and reproductive life[25] and making them prime targets for sexual violence.[26]

31. Most important, however, is the demand for sex with children. Those who support the exploitation of children include men from industrialized and developing countries who keep traffickers and exploiters in business through their demand for and purchase and exploitation of children.[27] This topic will be the specific focus of the next thematic report of the Special Rapporteur.

32. Sale and sexual exploitation cause considerable physical, sexual, cognitive, psychological and social harm to child victims. The short-, medium- and long-term impacts on their health, education, development and well-being are significant and must be addressed when planning care, recovery and reintegration programmes.

33. The harsh conditions, persistent and extreme abuse and trauma associated with sexual exploitation have been linked to a range of health-related problems. Physical abuse and deprivation, for example, can result in direct physical injury (e.g. bruises, contusions, cuts, burns), indirect physical injury (e.g. chronic headaches, dizziness), insomnia and disrupted sleep patterns and, in extreme cases, homicide or suicide. Other frequently noted health issues include weight loss and eating disorders. Drug and alcohol abuse are also serious problems. Higher rates of sexually transmitted infections, HIV, tuberculosis, pelvic inflammatory disease, infertility, vaginal fistula, unwanted pregnancy, unsafe abortions, complications from unwanted pregnancies and poor reproductive health have also been identified among child victims of sexual exploitation.[28]

34. In addition, victims may develop a wide range of psychological and interpersonal problems, including depression, feelings of hopelessness, anxiety, post-traumatic stress disorder, hostility and irritability.[29] Psychosocial impacts of sexual exploitation on children also include feelings of shame and self-blame, low self-esteem, stigma and difficulties in reintegrating in society.[30] In extreme cases, the complex set of psychological and physiological symptoms manifested by children who have experienced trafficking-related abuses have been compared to those identified in torture victims and children in armed conflict.[31]

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[25] ILO-IPEC, ibid.

[26] Rafferty, "International dimensions of discrimination".

[27] Y. Rafferty, "Child trafficking and commercial sexual exploitation: a review of promising prevention policies and programs", *American Journal of Orthopsychiatry*, vol. 84, No. 4 (October 2013), pp. 559-575.

[28] J. G. Silverman and others, "HIV prevalence and predictors of infection in sex-trafficked Nepalese girls and women", *Journal of the American Medical Association*, vol. 298, No. 5 (1 August 2007), pp. 536-542.

[29] Y. Rafferty, "Mental health services as a vital component of psychosocial recovery for children who have been trafficked for commercial sexual exploitation" (forthcoming).

[30] Davis, "'I want to be brave'", p. 12; ECPAT International, *The Commercial Exploitation of Children in Africa*. See also www.childrecovery.info/fileadmin/pdf/CEPAT_Pilot__Validation_Study_Cambodia_2010.pdf.

[31] M. Hossain and others, "The relationship of trauma to mental disorder among trafficked and sexually exploited girls and women", *American Journal of Public Health*, vol. 100, No. 12 (December 2010), pp. 2442-2449.

35. Girls who are sexually exploited may also give birth to children whom they are either forced to abandon or give up for adoption, or the children may be used as leverage by their pimps or traffickers. Many keep their children and attempt to raise them on their own. A few organizations serving child victims of sexual exploitation provide childcare services.[32]

36. It is a widely held belief, reinforced by the fact that it is the victims who are often arrested and put in jail while the exploiters remain free, that the victim is to blame for his/her predicament. A study of tolerance of sexual exploitation of children in selected countries of Latin America was carried out by IPEC. The results, published in 2009, showed that one in four respondents believed that the child victims were themselves responsible for their situation. Families often consider child victims of trafficking to be "tainted" or "unworthy", leading to abandonment and social isolation of the children and exacerbating the loss of a sense of self.[33]

37. The impact on children of exploitation facilitated by new technologies is comparable to the effects of other types of sexual exploitation since the dynamics that cause the trauma are similar. A significant difference is the revictimization of children each time the episode of abuse is viewed by others, the feelings of shame, humiliation and powerlessness are repeated. In the specific case of webcam child sex tourism, which is often conducted by a person known to and trusted by the child, including a parent, there is an added feeling of betrayal and the development of a distorted view of sexuality.[34] The effect of online sexual exploitation on child victims is an area that requires further research.

D. Measures of implementation of the right to care, recovery and reintegration for child victims of sexual exploitation

38. The right to care, recovery and reintegration is implemented through the adoption and implementation of legislation, policies and plans of action; the establishment of institutional frameworks and mechanisms for the delivery of services; the effective allocation of necessary human and technical resources; coordination, monitoring and assessment mechanisms; and prevention, education and awareness-raising campaigns, with the participation of the children, the involvement of civil society, the business sector, academic institutions and the media and the support of international cooperation.

39. States bear the primary responsibility in the design and implementation of programmes, policies and services to ensure the right to care, recovery and reintegration of children, including their timely identification as victims. However, in many settings, non-governmental organizations provide these services, often with

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[32] R. W. Deisher and others, "The pregnant adolescent prostitute", *American Journal of Diseases of Children*, vol. 143, No. 10 (October 1989), pp. 1162-1165; See also www.mensenhandelweb.nl/system/files/documents/17%20dec%202014/2543.pdf.

[33] J. A. Chu and others, "Dissociative symptoms in relation to childhood physical and sexual abuse", *American Journal of Psychiatry*, vol. 147, No. 7 (July 1990), pp. 887-892.

[34] Terre des Hommes Netherlands, "Fullscreen on view: an exploratory study on the background and psychosocial consequences of webcam child sex tourism in the Philippines", 2013, pp. 12-13; H. C. Whittle, C. Hamilton-Giachritsis and A.R. Beech, "Victims' voices: the impact of online grooming and sexual abuse", *Universal Journal of Psychology*, vol. 1, No. 2 (2013), pp. 59-71.

the support of United Nations actors and other development partners, complementing government service provision or, where these do not exist, filling the vacuum.

40. The most common care and recovery services provided by Governments and non-governmental organizations are immediate, urgent or short-term support services. They include medical and psychological care, emergency shelter and legal assistance. Medium- and long-term support services are specialized interventions that include assessing the home environment of the child and working with his or her family throughout the care, recovery and reintegration process; returning the child to his or her family or community or, in their absence, providing alternative care arrangements; reconnecting the child with education systems; and providing social and economic support.[35]

41. Submissions received from various stakeholders include numerous examples of measures of implementation of the right to care, recovery and reintegration of child victims, some of which are described under the following sections on identification and referral, immediate support services and medium- and long-term support. Stakeholders have acknowledged the multiples challenges confronting them in the provision of care, recovery and reintegration services.

1. Identification and referral

42. Some countries have established centralized databases for case management to ensure that child victims are identified, linked to services and followed up on a long-term basis. Such central reporting systems aim to reduce confusion by replacing the wide variety of case reporting forms used by police, medical practitioners and social workers with one centralized system.[36] These systems are particularly important when children are moved from different countries, as the paperwork is often lost.

43. Immediate support services often start with the removal of the child from the exploitative situation. In many countries, identification is carried out primarily by the police or immigration personnel and by non-governmental organizations.[37] Another way of detecting victims of trafficking and exploitation is through contact of the child victim with the health care system. In Morocco, for example, hospitals have established integrated care units that take charge of child victims of violence.[38] In Israel, the Ministry of Social Affairs and Social Services employs youth legal social workers who are trained to identify cases of sexual abuse and exploitation of minors, including cases of prostitution. The Ministry operates street searches conducted by professionals and volunteers to identify minors involved in prostitution. Once contact has been established, the professionals aim to gain the minor's trust to facilitate his or her removal from the exploitative environment.[39]

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[35] ECPAT International, *The Commercial Exploitation of Children in Africa*.

[36] Ibid.

[37] Rebecca Surtees, *Second Annual Report on Victims of Trafficking in South-Eastern Europe, 2005* (Geneva, International Organization for Migration (IOM), 2005); Center for the Study of Democracy, *Assisting and Reintegrating Child Victims of Trafficking: Improving Policy and Practice in the EU Member States* (Sofia, 2013).

[38] Contribution from Morocco.

[39] Contribution from Israel.

44. However, most victims of sexual exploitation are not formally identified through official channels owing to failures to characterize them as victims of sexual exploitation. Child victims of trafficking and exploitation are still treated as criminals in many justice systems.[40] For instance, child protection authorities have the tendency to engage in victim-blaming, not believing victims or questioning their credibility when handling cases involving adolescents.[41] Child victims of sexual exploitation are often arrested for crimes related to irregular migration or prostitution and detained in inappropriate facilities, thus affecting their identification and access to care, recovery and reintegration services.[42]

45. In some African countries, village committees have been established to monitor, report and follow up on child rights violations, including sexual exploitation. However, the connection between informal reporting structures in schools, religious organizations and communities and formal reporting systems is often tenuous. Although codes of conduct have been developed to prevent and monitor child exploitation, they frequently lack mechanisms to monitor and enforce their implementation.[43]

46. In some European countries, national identification and referral systems designate clear roles and responsibilities for multidisciplinary and coordinated agencies. In Bulgaria, the State Agency for the Protection of Children plays a leading role in the identification of trafficked children and the Ministry of the Interior is notified of identified cases immediately, while the Social Assistance Directorate plays a complementary role.[44]

47. Numerous countries have established child-friendly reporting and complaint mechanisms such as telephone hotline services for reporting children at risk or experiencing exploitation. The Colombian Institute of Family Welfare created a special telephone line operated by forensic psychologists and social workers for reporting cases of child victims of sexual violence that allows victims to be referred to the appropriate services for psychological first aid and counselling by relevant entities.[45]

48. Online sexual exploitation of children has increasingly become an issue in all regions of the world. South Africa operates a hotline for reporting illegal online content such as child pornography[46] and Italy is in the process of developing a specific method to identify and support children who were exploited for the production of material depicting child abuse.[47]

2. Immediate support services

49. Many countries have established one-stop victim support centres that offer medical, counselling and legal services at one location for victims of sexual abuse,

[40] USAID, *Promising Approaches*; Rafferty, "Challenges to the rapid identification of children".
[41] Contribution from ECPAT-United Kingdom.
[42] Rafferty, "Challenges to the rapid identification of children".
[43] ECPAT International, *The Commercial Exploitation of Children in Africa*; ECPAT Netherlands, "Don't look away: assessment on commercial sexual exploitation of children related to tourism and reporting mechanisms in Gambia, Kenya, Madagascar, Senegal and South Africa", 2014.
[44] Center for the Study of Democracy, *Assisting and Reintegrating Child Victims of Trafficking*.
[45] Contribution from Colombia.
[46] ECPAT International, *The Commercial Exploitation of Children in Africa*.
[47] Contribution from Italy.

violence and exploitation, including children. In Mauritius, a drop-in centre caters for and offers multidisciplinary support services to child and other victims and potential victims of trafficking and exploitation, including prostitution.[48] Japan has also developed one-stop support centres where victims of sexual crimes and violence can receive comprehensive support at one location immediately after they have been subjected to abuse.[49] However, one-stop support centres are ineffective unless they are accompanied by follow-up procedures and continued support services (e.g. long-term counselling and other types of psychosocial support).[50]

50. An urgent support service of note is the child house model (*Barnahus*), which caters for victims of sexual violence. First developed in Iceland, this model has been adopted throughout Scandinavia and integrated in the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice.[51] The child house model designates a multi-agency and interdisciplinary child-friendly centre for child victims and witnesses that provides therapy for children and facilitates interviews for the purpose of prosecution. Medical examinations are carried out and treatment provided.

51. Victims of trafficking and exploitation usually access assistance through shelters. Short-term accommodations vary in their level of child-friendliness and their sensitivity to children's unique needs. Shelters are often set up and run by civil society organizations, sometimes with funding from the Government.[52] For instance, in Bosnia and Herzegovina support is provided by non-governmental organizations such as Medica, which manages a safe house where basic necessities and individual as well as group psychological assistance are available.[53] However, options for children who require medium- and long-term accommodation are few and rarely adequate and orphanages and foster care are sometimes used as longer-term solutions.[54]

52. Many countries offer medical and psychological care as part of the immediate response. Georgia has established the State Fund for the Protection and Assistance of Victims of Human Trafficking, which also covers victims of sexual exploitation and which ensures, inter alia, the provision of free psychological services that continue until the victims have defined their future prospects and recovered control of their lives.[55] However, counselling and psychological assistance for child victims of sexual exploitation is rarely adequate and access to mental health services or alternative healing activities such as arts-based and creative activities remains the biggest gap in aftercare services.

53. Very few victims of trafficking receive compensation. Access to compensation remains limited owing to, inter alia, lengthy judicial processes, government policies and the exclusion of victims of sexual exploitation owing to stigmatization

[48] Contribution from Mauritius.

[49] Contribution from Japan.

[50] ECPAT International, *The Commercial Exploitation of Children in Africa*.

[51] Contribution from the Council of Europe.

[52] Group of Experts on Action against Trafficking in Human Beings (GRETA), *Fourth General Report on GRETA's Activities* (Strasbourg, Council of Europe, 2015), pp. 34-35; USAID, *Promising Approaches*.

[53] Council of Europe, "Lanzarote Convention: compilation of replies to question 9a of the thematic questionnaire", document T-ES(2014)23 bil, 28 September 2014, p. 18.

[54] USAID, *Promising Approaches*.

[55] Contribution from Georgia.

(A/HRC/26/18, para. 29). Sweden is one of the few countries that compensates victims of prostitution and trafficking for sexual purposes through its Crime Victim Compensation and Support Authority. However, between 2008 and 2010, it has been reported that no child applied for compensation.[56] In the United States, the Children's Justice Act and Comprehensive Tribal Victim Assistance Grants provide funding for victim services that address child exploitation, child abuse and neglect issues affecting tribal nations.[57]

3. Medium- and long-term support

54. Many countries provide only short-term support and fail to provide medium- and long-term support and follow-up for child victims, which tend to be more resource-intensive. The European Union Directive on Combating the Sexual Abuse and Exploitation of Children stipulates the need for Member States to provide assistance to child victims "for as long as necessary for the child's physical and psychological recovery and [which] may last into adulthood if necessary" (para. (31)).[58] The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse also refers to the importance of long-term assistance to victims in its article 14.1. However, it is not known how many child victims have received such long-term support.

55. Even though access to education, vocational training and life skills is an essential aspect of recovery and reintegration, child victims often face challenges in accessing them. In many cases, child victims have never attended school. In other cases, they are unable to enrol in school owing to discrimination or lack of a residence permit.[59] Additional barriers include lack of identity documents, in particular birth certificates, loss of educational records, financial and geographical barriers, gender discrimination, bullying or teasing, corporal punishment, feeling uncomfortable in the school environment, difficulties with concentration, older children not wanting to be placed in classes with very young children and children needing to work. When education is provided in shelters, children with different abilities may be placed in the same class; studying may not lead to an accreditation and the quality of teaching may not be of the same standard as in formal schools.[60]

56. Socioeconomic support, including financial assistance, is as important as education; employment and the ability to earn a livelihood should be viewed as the goal. In Bulgaria, a job skills training programme for Roma girls who were trafficked helped three quarters of them to find a job.[61] In Nepal, eight rehabilitation centres provided victims of trafficking with skills as well as seed money to start a small business.[62]

57. Although vocational training is often provided, a number of problems have been highlighted in this area. For example, such training is rarely tailored to the local labour market; children who wish to start their own business often find that start-up kits or funds are not available; training is frequently not completed and is

[56] Center for the Study of Democracy, *Assisting and Reintegrating Child Victims of Trafficking*.
[57] Contribution from the United States of America.
[58] Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011.
[59] Center for the Study of Democracy, *Assisting and Reintegrating Child Victims of Trafficking*.
[60] Contribution from Home: The Child Recovery and Reintegration Network.
[61] USAID, *Promising Approaches*.
[62] Contribution from Nepal.

often of poor quality; the type of training is habitually gender biased and promotes traditional skills that are not always in demand (e.g. hairdressing and tailoring); little support is available to help graduates find a job on completion of their training; training is sometimes treated as therapy or an activity to entertain children; and it is often aimed at young people without considering the potential for involving other members in the family. Additional barriers that may impact on a child's ability to secure a livelihood include the inability to legally register a business or access credit when identity papers or residence permits are lacking, stigmatization by customers or employers and difficulties in finding childcare.[63]

58. Few recovery and reintegration programmes incorporate activities to address the recreational needs of children. The Ministry of Gender Equality and Family of the Republic of South Korea offers a wide range of programmes to victims of sexual exploitation offering art, music, dance and play therapies that have led to positive results. Camps are run by an alternative educational institute that is affiliated with juvenile support services.[64]

4. Main challenges

59. Common challenges to successful care, recovery and reintegration of child victims of sexual exploitation include: (a) a lack of understanding of child sexual exploitation on the part of professionals, which hampers their ability to take complaints seriously; (b) a lack of specialized caregivers, mandatory training and minimum qualifications for caregivers and minimum standards for organizations that provide care; (c) a lack of consistent resources, including funding, to establish long-term care and recovery programmes; and (d) discrimination on the basis of legal status, gender and age.[65] Other challenges are related to lack of gender sensitivity and child and youth participation, and social norms and cultural values that tolerate the sexual exploitation of children.[66]

60. Additional challenges facing service providers, including non-governmental organizations, in establishing and managing assistance and care services include: (a) a lack of information and data from local research; (b) a lack of policies, procedures and legislation at the national level;[67] (c) low levels of awareness; (d) challenges at the family and community level, such as extreme poverty and alcohol abuse; (e) threats to staff; (f) lack of time and the patience to engage children; (f) secondary trauma affecting staff; and (g) practical challenges in decision-making.[68]

61. Services are often provided in an ad hoc manner and fail to systematically reach child victims. Many countries suffer from a deficiency of coordination capacity and mechanisms to identify victims and refer them to the proper authorities and services. The lack of centralized coordination and information systems also prevents the systematic evaluation of services and interventions.[69] In many

[63] Contribution from Home: The Child Recovery and Reintegration Network.
[64] Contribution from the Republic of South Korea.
[65] Contribution from ECPAT International.
[66] Contribution from Togo.
[67] Contributions from Kenya and Togo.
[68] Contribution from Home: The Child Recovery and Reintegration Network; C. Cody, "What are practitioners around the world saying about recovery and reintegration", 2012. Available from www.childrecovery.info/fileadmin/pdf/CRC005.
[69] N. Maalla M'jid, "Sexual abuse and exploitation of children in West and Central Africa, UNICEF West and Central Africa Regional Office, 2008.

countries, the heavy reliance on non-governmental organization service providers raises concerns about the dependability and sustainability of resource provision and about the quality and accountability of service providers.[70]

62. Providing safe and secure housing for children is a major challenge. In the United Kingdom, the significant number of unaccompanied children who disappeared from shelters implied that safe accommodation might be inadequate;[71] in 2013, it was reported that up to 60 per cent of children who had been trafficked and subsequently placed in care had gone missing.[72]

63. In many countries, the provision of services often depends on the legal status of the child victims, victims of trafficking in particular. Some countries grant temporary residence permits, which confer rights to health care, education and employment.[73] However, these permits and the ensuing rights are often conditioned on children's cooperation with criminal proceedings. The Council of Europe Convention on Action against Trafficking in Human Beings establishes in articles 12-14 the types of assistance that is to be provided and that provisional residence permits for a recovery and reflection period of at least 30 days must be granted irrespective of the willingness of the victims to cooperate in criminal proceedings.

64. There are also barriers that prevent children from accessing care and support upon their resettlement or return to their family and communities, such as the unwillingness of children to return home and reintegrate; stress factors that compromise the psychological health of children (e.g. legal proceedings, immigration and asylum procedures, stigma and discrimination associated with their exploitation); and prolonged residential care.[74] In response to the latter, Canada has set up child advocacy centres that concentrate on collaborative and coordinated services to prevent system-induced trauma.[75]

E. Comprehensive, rights-based and child-centred care, recovery and reintegration programmes for child victims of sexual exploitation

65. The care, recovery and reintegration needs of child victims of sexual exploitation differ in various ways from the needs of children who are victims of familial neglect, physical abuse or sexual abuse. The unique nature of sexual exploitation, the impact of the related human rights violations on children and the behaviour of child victims, which is often perceived as challenging, require specialized and separate services and programmes to best serve this group of child victims.[76] Owing to the extremely traumatic experiences that child victims of sexual exploitation suffer, the assistance they require must be of a holistic nature and supplied through an individualized case management and assessment process. It is critical that every care, recovery and reintegration plan be individualized for each child victim, taking into account the form and length of sexual exploitation, the

[70] ECPAT International, *The Commercial Exploitation of Children in Africa*.
[71] GRETA, Fourth *General Report*, pp. 34-35.
[72] Contribution from ECPAT-United Kingdom.
[73] Center for the Study of Democracy, *Assisting and Reintegrating Child Victims of Trafficking*.
[74] Contribution from Home: The Child Recovery and Reintegration Network.
[75] Contribution from Canada.
[76] Contribution from ECPAT International — Katherine Hargitt.

different dynamics and circumstances involved as well as the needs of the child, and the dynamics and needs of his or her family or caretaker (see A/HRC/19/35).[77]

66. Many States have emphasized law enforcement and prosecution in their response to the sale, trafficking and sexual exploitation of children, often at the expense of prevention, care, recovery and reintegration services for the victims. Yet, those who sexually exploit children are rarely prosecuted.[78] In order to be comprehensive and effective, national child protection systems must focus on offenders as well as victims.

67. Any care, recovery and reintegration programme must be informed and guided by the general principles of the Convention on the Rights of the Child, namely non-discrimination (art. 2), the best interests of the child (art. 3), the right to life, survival and development (art. 6) and respect for the views of the child (art. 12).

68. Care, recovery and reintegration programmes must incorporate a gender perspective, taking into account the different needs and opportunities of boys, girls and lesbian, gay, bisexual, transgender and intersex children. While emphasis is often placed on female child victims, there is a growing need for assistance and protection of boys and children who identify as transgender and therefore also a need to establish specialized care, recovery and reintegration programmes for those children.[79] For instance, in the United States, the Department of Justice Office for Victims of Crime supports the development of specialized services for boys and men as well as programmes for lesbian, gay, bisexual, transgender and intersex persons to ensure that their needs are met and that they are identified as victims.[80]

69. Care, recovery and reintegration programmes must address multiple aspects to ensure that children receive holistic and multidisciplinary support that leads to durable solutions. A comprehensive, rights-based and child-centred care, recovery and reintegration programme should include the following components: (a) prompt identification of the victim; (b) outreach to victims and children in vulnerable situations; (c) prevention and information directed at different groups; (d) properly trained and dedicated staff; (e) multidisciplinary teams, partnerships and networks; (f) protection services; (g) repatriation and reintegration for migrant victims; (h) aftercare and long-term response; and (i) adequate support and assistance for caregivers. Programmes should include high-quality and accessible services that ensure the rights of child victims to health, shelter, education, legal aid and recreation.[81] There are broader areas of support that are often overlooked but that contribute to recovery and reintegration, such as enabling children to engage with and access forms of support through religious and spiritual institutions and through cultural and traditional practices, working with parents and caregivers and conducting community sensitization.[82]

70. Additional elements include a national legislative framework that is compliant with international norms and standards, strong referral and coordination mechanisms, independent monitoring mechanisms and needs assessments to inform

[77] Ibid.

[78] United Nations Office on Drugs and Crime (UNODC), "Global report on trafficking in persons", 2014.

[79] Contribution from ECPAT-United Kingdom and ECPAT-Germany.

[80] Contribution from the United States of America.

[81] Contribution from ECPAT-Taiwan and ECPAT — Katherine Hargitt.

[82] Contribution from Home: The Child Recovery and Reintegration Network.

and guide the recovery process. Birth registration and recognition of the legal status of the child are basic premises, since a child who is not recognized under the law will not be able to access care and recovery services in some countries.[83]

71. The first step in the recovery process is to ensure that procedures and mechanisms are in place for the rapid identification of child victims so that they can access timely and appropriate assistance. Once rescued, and after a comprehensive assessment of the individual case, the child should be either returned to his or her family or provided with emergency shelter as well as with care, protection and follow-up services. Rescue operations should ensure that children are returned to a safe environment, whether with their families or in alternative arrangements, with special care taken when victims must be repatriated from another country.[84]

72. Awareness-raising and education programmes must be designed and implemented for professionals who deal with child victims, including law enforcement and care providers, and combined with child-friendly reporting and complaint mechanisms to ensure that allegations or complaints made by victims of sexual exploitation are not disregarded, overlooked or not acted upon and that child victims are not denied care and support.[85] Moreover, the specific vulnerability of child victims requires specialized training of the professionals involved throughout the programmes.

73. Care must be provided by trained professionals who understand the importance of mental and emotional health, in settings that are safe for children. Care homes providing temporary or long-term shelter for victims must ensure that staff members are carefully selected, adequately trained and closely supervised to ensure that they do not pose a risk to children.[86] Both children and staff at shelters must feel safe from threats, dangers and harm from perpetrators.

74. It is important to involve the family and/or the community, whenever possible, in the care, recovery and reintegration process. Parents, siblings and other family members may also require assistance to cope with the victimization of their children.[87] Institutional care should be a last resort[88] and alternative care and accommodation arrangements should be made available, including specialist foster or kinship care or semi-independent living, for children who cannot or do not want to return to their families. Shelters should be temporary or long-term as necessary to meet the needs of children who are at different stage of the recovery and reintegration process.

75. Specialized legal assistance is provided for children in shelters by non-governmental organizations, police, prosecutors and shelter staff.[89] The child house model mentioned above constitutes a good practice that contributes to child-sensitive judicial proceedings. For instance, these centres use child-friendly rooms

[83] Contribution from ECPAT International.

[84] G. Thompstone, "The development of quality of care standards in welfare services for child victims of commercial sexual exploitation". Available from www.childtrafficking.com/Docs/ecpat_thematic_qcs_1.pdf.

[85] Contribution from ECPAT International.

[86] G. Thompstone, "The development of quality of care standards".

[87] E. V. Tiurukanova, and the Institute for Urban Economics for the United Nations/IOM Working Group on Trafficking in Human Beings, *Human Trafficking in the Russian Federation: Inventory and Analysis of the Current Situation and Responses* (Moscow, 2006).

[88] Committee on the Rights of the Child, general comment No. 9 (2006), para. 47.

[89] Surtees, *Second Annual Report on Victims of Trafficking*, p. 104.

to interview the child and the trained forensic interviewer is guided in his or her line of questioning by a judge and lawyers from an observation room to obtain a testimony that will be usable in court; this prevents additional trauma to the victim in subsequent court proceedings. Legal assistance should also be made available to child victims who do not reside in shelters, through clear, child-friendly channels.

76. Care, recovery and reintegration programmes should respond to the need to provide continuous, comprehensive assistance beyond emergency and short-term support. Support for children needs to be available for a long period of time and should not simply end once a child has been reunited with the family, reaches the age of 18 and/or has left an institution. Moreover, long-term care and recovery programmes and services require consistent funding and allocation of resources.[90] As stressed by the Rotherham Inquiry undertaken in the United Kingdom in 2013 to examine the State's response to child sexual exploitation, all services should recognize that once a child is affected by sexual exploitation, he or she is likely to require support and therapeutic intervention for an extended period.[91]

77. Care and treatment need to be provided through an interdisciplinary approach and with due diligence as well as coordination between the different services. Partnerships and cooperation in the development of programmes are essential to ensure that children receive the necessary services and are fully supported.[92] For instance, ECPAT Thailand has obtained significant results with projects involving law enforcement in recovery and reintegration through recreational activities. Such partnerships show that it is possible to change perceptions and break down some of the prejudice and mistrust that exists between police and child victims of sexual exploitation.

78. Reintegration work should also aim to change negative behaviours and attitudes of families and communities towards returning children who have been victimized. Building up positive qualities and feelings in children can also assist in developing respect and acceptance, for instance, demonstrating that a child has been successful, has helped others, or has been involved in community services.[93] Programmes to address stigma in communities and prevailing gender and cultural norms are also vital.

79. A central part of social reintegration is the need to empower the child victim through child-sensitive procedures and accessible avenues for participation.[94] Supporting a sense of agency and control in children is important, particularly when they have been in situations where they have had little control.[95] It is essential to build trust with the child victims, seek their views at every stage of the process and establish a consistent relationship of respect between the child and the caregiver.[96] The child should feel safe and secure and confident that he/she is being heard and understood throughout the process.

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[90] Contribution from ECPAT International and Home: The Child Recovery and Reintegration Network.

[91] A. Jay, "Independent inquiry into child sexual exploitation in Rotherham, 1997-2013". Available from www.rotherham.gov.uk/downloads/file/1407/independent_inquiry_cse_in_rotherham.

[92] Contribution from Home: The Child Recovery and Reintegration Network.

[93] Ibid.

[94] Committee on the Rights of the Child, general comment No. 13 (2011), para. 63.

[95] Contribution from Home: The Child Recovery and Reintegration Network.

[96] Contribution from ECPAT International.

80. Children must be kept informed at all stages of the care and recovery process, in particular in relation to decisions affecting them. To ensure this is done, measures such as the following can be adopted: (a) educating caregivers on the importance of taking into account the views and needs of children in their care; (b) obtaining the feedback and opinion of children at each step of the recovery and reintegration process; (c) encouraging peer committees and youth leadership activities throughout the process where children can, for example, be involved in staff interviewing and selecting activities for the organization or shelter; and (d) applying a rights-based approach at each step of the process, ensuring that children are treated with respect and dignity.[97] In Serbia, for example, expert assessments of the protection needs of child victims take their views into account.[98]

81. According to research conducted by the non-governmental organization Home: The Child Recovery and Reintegration Network, the following areas are important for children in the recovery and reintegration phase: (a) promoting a sense of safety for children; (b) developing a trusting relationship; (c) ensuring that children have a caring adult in their lives; (d) establishing a sense of belonging in children; (e) promoting a sense of self-worth and success; (f) promoting agency; (g) developing hope, aspirations and a positive outlook for the future; and (h) gaining respect and acceptance.

82. ECPAT International has adopted model strategies for how to engage with children in programming that include the designation of child advocates; using participatory inquiry; engaging with the child from the very beginning in an incremental way, starting with small details; regular surveys with child victims at child shelters; pre- and post-intervention awareness surveys; evaluations completed during admission to shelters and upon permanent release; providing access to an independent advocate or legal guardian; interactive sessions with children at formal schools; and village child committees.[99]

83. Follow-up of individual cases and evaluations of care, recovery and reintegration programmes are essential to avoid revictimization, adapting programmes to the needs of children and identifying good and bad practices. For instance, children who are returned to a family without a proper assessment and support are likely to leave home again and are at a very high risk of being sexually exploited again.[100] When children are returned to the same situation that they left, the probability of once again being trafficked and sexually exploited is great.

84. Evaluations must be developed on the basis of the views not only of the professionals involved but also on the views, wishes and perspectives of the children. Although it can be challenging to involve children in evaluations, this aspect is critical since children, when asked, often highlight a number of problems with the care and assistance received.[101]

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[97] Contribution from ECPAT International — Katherine Hargitt.

[98] Contribution from Serbia.

[99] Contributions from ECPAT Argentina, India, Samoa, Uganda and the United Kingdom.

[100] Contribution from Home: The Child Recovery and Reintegration Network.

[101] Contribution from Home: The Child Recovery and Reintegration Network, citing S. Hudd, "Sold like a chicken: trafficked Cambodian girls speak out", 2003 and School of Women's Studies, Jadavpur University, "'Look at us with respect': perceptions and experiences of reintegration: the voices of child survivors of sexual exploitation and practitioners in West Bengal and Jharkhand", 2012.

85. When it comes to reintegration, many organizations measure success by the number of children who are returned to their families. However, consultations with children who had experienced reintegration programmes identified a number of areas that they felt had to be considered to assess whether a child had been successfully reintegrated, namely that the basic needs of the child were met (e.g. housing, health, food and water); that the child had emotional support, safety and a relationship with the family and community; that the child had developed internal strengths; and that the child was either in education or employment.[102]

F. Conclusions and recommendations

86. **Sexual exploitation and related sale and trafficking cause considerable physical, sexual, cognitive, psychological and social harm to child victims. The short-, medium- and long-term effects on their health, education, development and well-being are significant and must be adequately addressed.**

87. **Every child victim of sexual exploitation and related sale and trafficking has a right under international law to receive care, recovery and reintegration measures to repair the harm suffered. States have the primary responsibility to take all necessary measures to provide care, recovery and reintegration for child victims.**

At the national level

88. **The Special Rapporteur invites all States:**

(a) **To adopt and implement clear and comprehensive legislation that criminalizes the sexual exploitation and related sale and trafficking of children, recognizes their legal status as victims to access rights and services for their care, recovery and reintegration and ensures child-friendly judicial proceedings and remedies, including compensation;**

(b) **To establish effective, reliable and integrated information and data collection and analysis systems on different forms of exploitation of children, including sale and trafficking, for sexual and other exploitative purposes, with data disaggregated by age, sex, location and need for special protection;**

(c) **To conduct research on the effects of sexual exploitation and related sale and trafficking on girls, boys and transgender child victims as well as on the effects of sexual exploitation facilitated by information and communication technologies to inform specialized care, recovery and reintegration programmes;**

(d) **To establish comprehensive, rights-based and child-centred care, recovery and reintegration programmes, with a gender perspective, through a full range of laws, policies and services that will:**

[102] Contribution from Home: The Child Recovery and Reintegration Network; Surtees, R., *Monitoring Anti-trafficking Re/integration Programmes: A Manual* (Washington, D. C., Nexus Institute and Brussels, King Baudoin Foundation, 2010). Available from https://nexushuman trafficking.files.wordpress.com/2015/03/monitoring-at-reintegration-programmes_manual_ nexus.pdf; C. Cody, "Findings from the survey 'Monitoring and Evaluating Reintegration Programmes for Children'", 2013. Available from www.childrecovery.info/fileadmin/pdf/ CRC006__281_29.pdf.

(i) **Enable rapid identification of victims and coordinated referral mechanisms as well as child-friendly reporting and complaint mechanisms to report exploitative behaviour online and offline; provide specialized training to personnel involved in the identification process to enhance their knowledge and understanding; identify and refer cases of sexual exploitation; and provide for awareness-raising and outreach to victims and children in vulnerable situations;**

(ii) **Establish centralized databases for case management to ensure that child victims are identified, linked to services and followed up on a long-term basis;**

(iii) **Ensure that child victims have access to safe and secure housing, medical and psychological care, legal assistance, education, vocational training, life skills and socioeconomic support, sports and leisure activities, religion and cultural practices by means of an individualized plan that is adapted to the child's needs, as part of his or her life project;**

(iv) **Empower child victims through child-sensitive procedures and accessible avenues for participation that foster a sense of agency in their care, recovery and reintegration programme, keep them informed and allow them to be consulted on decisions affecting them;**

(v) **Whenever possible, involve the family in the care, recovery and reintegration process, providing assistance, including psychosocial support and livelihoods, to the family and adopting a strengths-based approach that builds on the children's and families' own resources;**

(vi) **Designate specialized caregivers, establish mandatory training and minimum qualifications for them and develop and monitor minimum standards for organizations providing care and provide adequate support and assistance for caregivers;**

(vii) **Establish holistic, child-friendly victim support centres that offer high-quality, accessible and integrated services adapted to the specific needs of chid victims, and follow-up procedures and continued support that lead to durable solutions through an individualized case management and assessment process;**

(viii) **Establish interdisciplinary agencies for the coordination of integrated care, recovery and reintegration programmes, with clear roles and responsibilities in the delivery of support services, and establish independent monitoring and assessment mechanisms to inform, evaluate and guide care, recovery and reintegration programmes;**

(ix) **Allocate consistent funding and adequate resources to provide continuous, comprehensive, high-quality assistance and ensure the sustainability of support services to child victims in the short, medium and long term;**

(x) **Promote partnerships and cooperation in the development of programmes, including awareness-raising and education programmes targeted at families, communities and society at large, to change negative attitudes and address stigma and discrimination against child victims,**

with the involvement of civil society, the private sector, academic institutions and children;

(xi) Adopt measures to prevent the sexual exploitation of children and related sale and trafficking, with particular attention to vulnerable children, that address risk factors and gender-based discrimination and inequalities and demand.

At the international level

89. **The Special Rapporteur invites the international community:**

(a) To harmonize and facilitate coordination and cooperation among all relevant stakeholders at the national, regional and international levels to support concrete actions to prevent and halt the sexual exploitation of children that tackle demand, among other matters, and ensure that child victims have access to justice and remedy and their right to care, recovery and reintegration;

(b) To provide, through the United Nations and other stakeholders, technical assistance and support to States for the elaboration and implementation of comprehensive, rights-based and child-centred care, recovery and reintegration programmes, as part of effective national child protection systems;

(c) To promote universal ratification of the Convention on the Rights of the Child and the Optional Protocols thereto and all relevant international and regional instruments as an essential prerequisite for the development of an effective international child protection framework;

(d) To ensure that the implementation of the sustainable development goals and targets to adopted by the General Assembly, in particular draft goal 5, target 2, and goal 16, target 2, includes the effective realization of recommendations (b) and (c) above.

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Promotion and protection of human rights: implementation of human rights instruments

United Nations Voluntary Fund for Victims of Torture

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolutions 36/151 and 68/156. It describes the outcome of the forty-first session of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, in particular the expert workshop of practitioners on redress and rehabilitation of victims of torture in emergency contexts and long-term needs of victims.

* A/70/150.

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I. Introduction

A. Submission of the report

1. The present report was prepared in accordance with the arrangements approved by the General Assembly in its resolution 36/151, by which it established the United Nations Voluntary Fund for Victims of Torture. It presents the outcome of the forty-first session of the Board of Trustees of the Fund, held in Geneva from 13 to 17 April 2015. The present report complements the report on the activities of the Fund submitted to the Human Rights Council at its twenty-eighth session (A/HRC/28/25), in March 2015.

B. Mandate of the Fund

2. The Fund receives voluntary contributions from Governments, non-governmental organizations and individuals. In accordance with its mandate and the practice established by its Board of Trustees, the Fund provides grants to established channels of assistance, including non-governmental organizations, associations of victims and members of their families, private and public hospitals, legal clinics, public interest law firms and individual lawyers, that submit projects involving medical, psychological, social, financial, legal, humanitarian and other forms of direct assistance to victims of torture and members of their families.

C. Administration of the Fund and Board of Trustees

3. The Secretary-General administers the Fund through the Office of the United Nations High Commissioner for Human Rights (OHCHR) with the advice of a Board of Trustees composed of five members acting in their personal capacity and appointed by the Secretary-General with due regard to equitable geographical distribution and in consultation with their Governments. The Board is currently composed of Maria Cristina Nunes de Mendonça (Portugal), Morad el-Shazly (Egypt), Anastasia Pinto (India), Adam Bodnar (Poland) and Gaby Oré Aguilar (Peru). The mandates of Ms. Mendonça, Mr. el-Shazly, Ms. Pinto and Mr. Bodnar were renewed by the Secretary-General for a second term ending on 20 October 2017.

II. Forty-first session of the Board of Trustees

4. The forty-first session of the Board was held in Geneva from 13 to 17 April 2015 and was chaired by Mr. Adam Bodnar. At the session, the Board reviewed the implementation of the change management exercise, which it had formulated at its thirty-ninth session, in 2014. Accordingly, the Board focused on three areas: enhanced methods of work, increased outreach and knowledge-sharing.

A. Enhanced methods of work

5. As part of its efforts to improve the quality of operations, the Board paid a monitoring visit to the psychosocial rehabilitation centre Appartenances in

Lausanne, Switzerland, on 13 April 2015. Periodic visits to projects are a key methodology of the Fund. The relevant evaluation tools, such as evaluation forms and manuals, are regularly reviewed to reflect the evolving methodology. The visit also allowed the Board to assess first-hand the challenges faced by civil society initiatives in countries of reception, such as Switzerland, in particular in the delivery of assistance to the most vulnerable within the immigration communities. Early identification of victims of torture among asylum-seekers and migrants and the provision of adequate rehabilitation are essential to ensure that the principle of non-refoulement is respected and to increase the chances for the victims' reintegration into society.

B. Increased outreach

6. On 16 April, the Board of Trustees and secretariat of the Fund convened a public event entitled "Redress and rehabilitation of victims of torture: an integral part of the fight against torture". The event was open to all Geneva-based State delegations, intergovernmental organizations, civil society and the media. The public event was enriched by the presence of practitioners from grantee organizations of the Fund and attracted a solid diplomatic representation of 45 permanent missions, as well as the World Health Organization, the International Organization for Migration, the International Committee of the Red Cross, civil society actors and the media, including United Nations Television and United Nations Radio. More than 120 delegates attended the public event, which highlighted not only the tangible difference made by this unique United Nations Trust Fund but also the plight of thousands of victims in need of assistance.

7. The event was led by a panel of expert practitioners in the field of rehabilitation of victims of torture. At the event, the value of redress and rehabilitation as core components in the fight against torture was emphasized, in particular their impact on the individual, the family and society. The event also provided an opportunity to present the experience of the Fund and its grantees by showcasing projects and actions on the ground.

8. During the forty-first session, the Board also held bilateral meetings with 21 State delegations. The general impression of the Trustees was that there was a wide appreciation for the Fund's recent prioritization exercise, the increased transparency in the reporting of its operations and the enhanced coordination with OHCHR field presences, as well as with other torture-related mechanisms.

C. Knowledge-sharing

Expert workshop of practitioners on redress and rehabilitation of victims of torture in emergency contexts and long-term needs of victims

9. On 15 April, the Board and secretariat of the Fund held a one-day expert workshop of practitioners on redress and rehabilitation of victims of torture in emergency contexts and long-term needs of victims in Geneva (see annexes I and II).

10. The workshop aimed at facilitating the sharing of good practices and lessons learned on the redress and rehabilitation of victims of torture in today's complex emergency contexts and in relation to the long-term needs of victims. It also

provided the opportunity to compare working methods and to discuss successful approaches and key developments in the delivery of assistance.

11. The workshop brought together 13 professionals from various backgrounds (medical, psychological, social and legal) from rehabilitation centres financially supported by the Fund and representatives of selected organizations with expertise in the field of redress and rehabilitation of victims of torture. Alessio Bruni, member of the Committee against Torture, Pieter Ventevogel, Senior Mental Health Officer of the Office of the United Nations High Commissioner for Refugees, Nimisha Patel, Director of the International Centre for Health and Human Rights, and representatives of the World Organization Against Torture also participated in the workshop.

12. The workshop was intended as the first in a series of yearly expert discussions to be facilitated by the Fund, with the aim of collecting and disseminating expertise and best practices on redress and rehabilitation of victims of torture and establishing a community of practice.

13. The workshop was organized around three panel discussions, which were moderated by members of the Board. The main findings that emerged during the day-long exchanges were as follows:

(a) **The complexity of contexts and crises in which torture takes place has grown in recent years, resulting in increases in the practice of torture and the number of victims of torture yearly.** The need for redress and rehabilitation has become more pressing and practitioners in the rehabilitation of victims of torture are facing a surge in intimidation and reprisals. Notwithstanding the unequivocal international normative framework on torture, protracted conflicts, coupled with new crises, extremist violence by non-State actors, efforts to counter terrorism, discourse on the growing sense of relativization with respect to torture, widespread impunity and a disregard for the most basic human rights are conducive to an environment in which torture practices appear to be on the rise and, increasingly, socially "accepted". Intimidation and reprisals against professionals and organizations providing assistance to victims are also growing challenges in the current complex scenarios;

(b) **Torture affects the individual, family, community and society.** Torture is never an isolated act against an individual. It has a pervasive effect on the family, community and society. Assistance for redress and rehabilitation should include the individual's family and community;

(c) **Both immediate and long-term assistance are essential for the redress and rehabilitation of victims of torture.** Torture is always an emergency, as it represents a direct threat to life and personal integrity. Assistance needs to be provided at the earliest opportunity and should include a package of physical and psychological measures and be implemented by specialized services. The long-lasting effects of torture, including the potential for transgenerational transfer of trauma, may require a long-term approach. Both the immediate and long-term response to torture call for appropriate human and financial resources, competence and the involvement of multiple stakeholders;

(d) **The redress and full rehabilitation of victims requires a multi-disciplinary approach and coordination among all relevant actors.** In a context of focused and diminishing short-term financial resources, the increase in

the number and complexity of needs of victims necessitates the effective coordination of all relevant actors, including State entities, civil society organizations and networks, as well as United Nations mechanisms, such as the United Nations Fund for Victims of Torture and other United Nations torture-related mechanisms, in particular the Committee Against Torture and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment;

(e) **Prevention of torture and assistance to victims of torture are complementary and mutually reinforcing.** Effective rehabilitation has a preventive effect. The two approaches are tightly linked and complementary.

(f) **There is a need for effective implementation of article 14 of the United Nations Convention against Torture and general comment No. 3 of the Committee against Torture.** Article 14 of the Convention establishes, and general comment No. 3 adopted by the Committee against Torture, clarifies the legal framework for the right of the victim to redress and full rehabilitation, as well as the resulting obligation for States. The United Nations Fund for Victims of Torture, by awarding rehabilitation projects, plays a key role in supporting the effective realization of this right in many countries in the world.

14. Each of the three panels focused on different issues of concern. The main outcomes are reflected below.

First panel

15. The topic of the first panel was "Setting the context, understanding concepts: main challenges in the redress and rehabilitation of victims of torture in today's complex scenarios".

16. The panel noted that the community of practice had tailored different services for victims of torture in the short and long term. However, rehabilitation needed to be seen as a continuum; in fact, some victims might need permanent follow-up. The heterogeneous nature of torture victims also called for a variety of solutions; thus a case-by-case approach was required.

17. The link between impunity and acceptance of torture by society was raised by several participants. Sectors of society wrongly assumed that torture was effective. Mainstream media also contributed to this misconception and to the true impact of torture. The result was, most worrisomely, a "societal acceptance" of torture and impunity. The panellists concluded that tackling impunity was a strategic approach for redress and rehabilitation.

18. Torture had a profound impact on families and communities. The damage it caused could be irreversible for up to two generations.

19. Security issues and the lack of local capacity to deal with victims of torture were some of the challenges in providing or seeking rehabilitation of victims. The lack of financial resources, the gap between the intervention and the provision of funding, and the trend towards short periods of funding represented challenges to maintaining a sustainable model.

Second panel

20. The second panel had as its topic "Providing assistance to victims of torture in emergency contexts". The experts highlighted that torture was always an emergency. It represented a direct threat to the life and integrity of the person, family and community, all of whom required support. Interventions must to take place at the earliest opportunity, include a package of physical and psychological measures and be implemented in a multidisciplinary way.

21. In emergency situations, the focus should be placed on reducing vulnerability and promoting resilience at the group level, rather than on a therapeutic goal which would require a safer and more stable environment.

22. Victims of torture also had basic needs in other areas of their life. It was therefore important to coordinate with other organizations providing assistance to cover those needs or refer to them. However, in emergency situations, coordination among different organizations was one of the main challenges and referral systems did not always work effectively since it was difficult to find the suitable person or institution.

23. Other challenges in emergency situations identified during the workshop included: the difficulty of distinguishing victims of torture from other victims that had experienced the violence of war; forced displacement or living in a constant state of terror; the provision of adequate services to victims of torture without creating tensions with other victims that had suffered traumatizing events and the local community; and addressing the mistrust of victims, particularly young males. A distinction must be drawn between a feeling of mistrust and real fear regarding concerns about victims' security and protection. Time was essential to building victims' trust. In this vein, the work of rehabilitation centres needed to be completely transparent and organizations needed to show that they were independent from State actors.

24. The best practices highlighted included the incorporation of mental health into all assistance services and the prioritization of coordinated approaches and security.

25. Finally, the question of the need for minimum standards for the provision of services was raised during the dialogue. The experts affirmed the need for some minimum standards that take into consideration issues such as culture, safety, security and space for interventions.

Third panel

26. The theme of the third panel was "Providing assistance to victims of torture in response to their long-term needs". The experts established that the length of treatment depended on the complexity of the trauma and sometimes the duration of the proceedings initiated to obtain redress. They also stated that models of assistance should be chosen and adapted to the circumstances and the contexts of the victims and the societal model they are part of. No strategy was universal or replicable.

27. The success of the assistance did not necessarily depend on the duration of the intervention, but rather on access to a resource or environment in which the victim felt safe.

28. One of the models of assistance mentioned consisted of ensuring that the victim did not play a passive role. Victims were right-holders, and it was therefore important that they took an active role and became protagonists of the restitution of their rights. Fighting against impunity was part of their healing process. Another model cited focused on integration and reconciliation.

29. Aspects of best practice in providing assistance to victims of torture included establishing a strong trust link and having a holistic and interdisciplinary approach (not just a medical approach, but also including other elements, such as restitution of rights) and a process that is continuously re-evaluated.

30. Strategic litigation could have a role in empowering the victim and bringing about systemic changes. However, and for the sake of the well-being of the victims of torture, it was necessary to make a risk assessment and avoid any retraumatization or increase in the vulnerability of the victim. The lack of rehabilitation or reparation measures in court decisions might have a negative effect on the victim. Therefore, it was necessary to assess whether strategic litigation was the best option for the specific case.

III. Coordination with other torture-related United Nations human rights mechanisms

31. The Board continued to pursue regular cooperation with other United Nations torture-related mechanisms. In that regard, a member of the Committee against Torture, Alessio Bruni, participated in the expert workshop and the public event mentioned above.

32. On 30 April 2015, the Chair of the Board of Trustees of the Fund participated in a public one-hour meeting with the Committee during its session. At the meeting, the Chair reported on the expert workshop held by the Fund on 15 April 2015, and, in particular, on the current challenges in the field of assistance to victims of torture. At the meeting, it was agreed to continue to increase the cooperation between the two mechanisms. The Fund agreed to disseminate among its grantees general comment No. 3 on article 14 of the Convention against Torture.

IV. United Nations International Day in Support of Victims of Torture

33. On 26 June 2015, the International Day in Support of Victims of Torture was commemorated with statements issued by the Secretary-General and jointly by the Committee against Torture, the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture.

34. In his statement, the Secretary-General stated that the rise of violent extremism and the unprecedented levels of forced displacement demanded a comprehensive response and that no aspect was more urgent than assisting the many victims of rising levels of torture that these and related trends generated. He also recalled that, at the same time, record numbers of people had fled their homes,

risking a perilous journey that was often marred by grave violations of human rights, including torture. The Secretary-General drew attention to the fact that the Fund channelled vital funding to rehabilitation centres, tribunals, hospitals, refugee sites and other places assisting victims worldwide.

35. The Secretary-General stated that victims of torture had the right to compensation and rehabilitation and reminded States of their obligation under international law to provide redress to victims. Finally, the Secretary-General urged States to consider making a contribution to the Fund.

36. The joint statement issued on the same day by the Committee against Torture, the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture stressed that, with the upsurge in migration around the world, it was vital for States to ensure that people fleeing torture were immediately identified to avoid exposing them to further trauma, ill-treatment or forcible return. It was of paramount importance that victims of torture, who may have suffered traumatic events in their countries of origin and during the journey, get immediate support and care to prevent, as far as possible, irreversible physical and psychological harm.

V. Financial situation of the Fund

37. In 2014, the Fund received voluntary contributions exceeding $9 million (see table below).

Contributions received from 1 January 2014 to 31 December 2014

Donor	*Amount (United States dollars)*	*Date of receipt*
States		
Ireland	116 918.84	4 April 2014
Kuwait	10 000.00	18 February 2014
Liechtenstein	25 906.74	14 November 2014
Luxembourg	12 391.57	15 December 2014
Mexico	5 000.00	4 November 2014
Netherlands	50 000.00	29 December 2014
Norway	133 761.90	27 May 2014
Peru	1 850.00	5 September 2014
Turkey	10 000.00	30 May 2014
United Arab Emirates	10 000.00	6 May 2014
United States of America	6 350 000.00	9 December 2014
Individual donors		
Nederlands Juristen Comité voor de Mensenrechten	4 080.00	11 March 2014
Total	**9 254 745.89**	

38. The Fund expects to keep the $9 million mark for 2015. However, this figure is far from the $12 million target, which is estimated by the Board of Trustees as being the minimum threshold that would enable the Fund to meet all demands, including those made in the context of emergency and humanitarian crises.

VI. Upcoming thirty-fifth anniversary of the Fund

39. In 2016, the Fund will celebrate the thirty-fifth anniversary of its establishment by the General Assembly in its resolution 36/151. The Fund will commemorate this event, recalling the unaddressed needs and rights of thousands of victims of torture in every continent and the duty of States to provide redress and rehabilitation. For this important occasion, the Fund will urge renewed support in the form of voluntary contributions from Member States and private donors.

40. Over the last three decades, the Fund has channelled financial assistance of over $168 million to more than 620 organizations worldwide providing medical, psychological, humanitarian, social and legal assistance to victims of torture and members of their families. In 2015 alone, a total over 57,000 victims in over 80 countries are expected to be assisted by specialized practitioners from rehabilitation centres, non-governmental organizations and legal aid groups with the critical support of the Fund.

VII. How to make a contribution to the Fund

41. Governments, non-governmental organizations and other private or public entities can contribute to the Fund. For more information on how to contribute and further details about the Fund, donors are requested to contact the secretariat of the United Nations Voluntary Fund for Victims of Torture, Office of the United Nations High Commissioner for Human Rights, United Nations, CH 1211 Geneva 10, Switzerland; e-mail: unvfvt@ohchr.org; telephone: 41 22 917 9624; fax: 41 22 917 9017.

42. Donations can also be made online at http://donatenow.ohchr.org/torture. Information on the Fund can be found at www.ohchr.org/torturefund.

VIII. Conclusions and recommendations

43. **The complexity of contexts and crises in which torture takes place has grown in recent years, resulting in an increase in torture practices and the number of victims of torture yearly. The need for redress and rehabilitation has become more pressing and urgent than ever.**

44. **With respect to the fulfilment of this obligation, the Board notes that:**

(a) **Immediate and long-term assistance is essential for the redress and rehabilitation of victims of torture;**

(b) **Torture affects the individual, family, community and society;**

(c) **The redress and full rehabilitation of victims requires a multi-disciplinary approach and coordination among all relevant actors;**

(d) **Practitioners in the rehabilitation of victims of torture should be protected from intimidation and reprisal;**

(e) **Prevention of torture and assistance to victims of torture are complementary and mutually reinforcing.**

45. **As recalled by the Secretary-General in his statement of 26 June 2015 (see paras. 34 and 35 above), the Fund channels vital funding to centres assisting victims of torture. It is a practical tool of the United Nations to extend prompt assistance to victims of torture and members of their families. Seeking to provide redress, including rehabilitation, to tens of thousands of victims of torture every year, in all regions of the world, is an integral part of the work of the United Nations against torture.**

46. **Looking ahead, the Fund will continue to strive to achieve a fairer balance in its portfolio of projects so as to be able to better respond to the assistance needs of the greatest number of victims of torture in all regions of the world.**

47. **The Board estimates that the Fund would need to receive $12 million on a yearly basis in order to respond adequately to the ever-increasing demands for assistance, in particular in the face of today's large-scale human rights crisis and conflicts. The Secretary-General appeals to Member States and other stakeholders to contribute to the Fund, noting its upcoming thirty-fifth anniversary, in 2016.**

48. **The Board stresses that contributing to the Fund is a concrete manifestation of the commitment of States towards the elimination of torture, in line with the Convention against Torture, in particular article 14 thereof.**

Annex I

Concept note for the one-day expert workshop of practitioners on redress and rehabilitation of victims of torture in emergency contexts and long-term needs of victims

Background

1. Each year, over 50,000 victims of torture and their family members are provided assistance by specialized non-governmental entities and rehabilitation centres with the support of the United Nations Voluntary Fund for Victims of Torture in all regions of the world. With the Fund's aid and the professional expertise developed on the ground by expert practitioners, the right of victims to redress and rehabilitation is being upheld, their dignity restored, including by supporting their integration into social, civil and economic life, and their right to truth and justice pursued. Over the last 30 years, the Fund has affirmed itself as one of the largest humanitarian trusts funds of the United Nations: it is estimated that since 1981 the Fund has provided financial assistance of over $168 million to more than 620 organizations worldwide.

2. Since its inception, the Fund has operated based on the recognition that the provision of assistance to victims of torture, be it medical, psychological, social or legal assistance, involves complex and long-term engagement. On the other hand, the Fund is also expected to respond to new, urgent and emerging situations and needs. In fact, the General Assembly has stipulated that priority should be given to aid to victims of violations by States in which the human rights situation has been subject to resolutions or decisions adopted by the General Assembly or the Commission on Human Rights (today the Human Rights Council). In recent years, the Fund has launched targeted special calls for projects aimed at assisting victims of recent events across the Middle East and North Africa region, in particular in the Syrian Arab Republic and Iraq. The Fund has also recently supported emergency projects for the relief of torture victims in Mali, the Central African Republic and Ukraine.

3. In its general comment No. 3 on the implementation of article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by States parties, the Committee against Torture clarifies that the provision of rehabilitative services in the direct aftermath of torture does not represent the fulfilment of the obligation of States parties to the Convention to provide means for as full a rehabilitation as possible. Moreover, the Committee affirms that in order to fulfil its obligations to provide a victim with the means for as full rehabilitation as possible, each State party should adopt a long-term, integrated approach.

Objectives

4. As stipulated in its mission statement, the Fund enables the collection and dissemination of expertise and best practices, with the aim of building capacity at the national level.

5. To that end, the one-day expert workshop to be held in the context of the forty-first session of the Board of Trustees of the Fund will be the first of a planned series of yearly expert discussions gathering professionals in the field of redress for and rehabilitation to victims of torture in order to share knowledge.

6. The 2015 expert workshop will be held in the context of increasingly complex operational scenarios, in which emergency and longer-term needs often intersect.

7. In particular, the expert workshop will aim at:

(a) Facilitating the sharing of good practices and lessons learned from different regions among the Trustees, the Office of the High Commissioner for Human Rights and the Fund's grantees on the redress and rehabilitation of victims of torture in complex emergency contexts, both during conflict and post-conflict (including violence and extremism and large-scale displacement and migration flows), and as a response to the long-term needs of victims;

(b) Comparing working methods and identifying similarities and specificities in the delivery of assistance (medical, psychological, social and legal) in emergency contexts and in the response to victims' long-term needs;

(c) Strategizing on successful approaches and key developments in the delivery of assistance to victims of torture in the context of emergencies and in response to victims' long-term needs.

Modalities

8. Participants will include professionals from selected rehabilitation centres financially supported by the Fund with expertise in working in emergency settings and/or in the provision of assistance to victims in the longer term.

9. The expert workshop will be divided into three one-and-a-half-hour discussion segments. Each discussion will be introduced by short remarks (5-7 minutes each) from selected participants, followed by a moderated interactive exchange between all participants and the Board of Trustees.

10. A Rapporteur will summarize the main points of discussion and conclusions at the end of the expert workshop.

11. A written contribution will be requested from each participant. The collection of papers will be made available prior to the workshop on the Fund's webpage.

12. Interpretation will be provided in English, French and Spanish.

Outcomes

13. A short set of recommendations and best practices will be drawn up at the end of the expert workshop for the benefit of all of the Fund's grantees and professionals engaged in the delivery of assistance to victims of torture.

14. A collection of written contributions will be made available on the public website of the Fund.

Annex II

List of participants in the one-day expert workshop of practitioners on redress and rehabilitation of victims of torture in emergency contexts and long-term needs of victims, held on 15 April 2015

Board of Trustees of the Voluntary Fund

Adam Bodnar (Chairman, forty-first session of the Board of Trustees)

Gaby Oré Aguilar (rapporteur)

Maria Cristina Nunes de Mendonça

Anastasia Pinto

Morad El Shazly (absent)

Invited experts

Radhia Nasraoui, President, Organisation contre la torture en Tunisie, Tunisia

Camelia Doru, Director, ICAR Foundation, Medical Rehabilitation Centre for Torture Survivors, Romania

Felicitas Treue, Co-Founder, Colectivo Contra la Tortura y la Impunidad, Mexico

Jasna Zecevic, President and Director, Association Vive Žene, Bosnia and Herzegovina

Lin Piwowarczyk, Psychiatrist, Boston Medical Centre, United States of America

Norberto Liwski, President, Comité para la Defensa de la Salud, la Ética y los Derechos Humanos, Argentina

Ahmed Mohammed Amin Ahmed, Executive Director, Organization for Victims of Human Rights Violations, Iraq

Peter Kiama, Executive Director, Independent Medico-Legal Unit, Kenya

Simone van der Kaaden, Country Director, Centre for Victims of Torture, Jordan

Sotheara Chhim, Executive Director, Transcultural Psychosocial Organization, Cambodia

Suzanne Jabbour, Director, Center for Rehabilitation of Victims of Violence and Torture (RESTART), Lebanon

Philip Grant, Director, Track Impunity Always (TRIAL), Switzerland

Victor Madrigal-Borloz, Secretary-General, International Rehabilitation Council for Torture Victims, Denmark

Other participants

Alessio Bruni, Member, Committee against Torture

Pieter Ventevogel, Senior Mental Health Officer, Office of the United Nations High Commissioner for Refugees

Nimisha Patel, Director, International Centre for Health and Human Rights and Consultant Clinical Psychologist; World Organization against Torture

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Sustainable development

Report of the Secretary-General on the Global Code of Ethics for Tourism

Summary

The Global Code of Ethics for Tourism was adopted by the General Assembly of the World Tourism Organization (UNWTO) in 1999 and acknowledged by the General Assembly of the United Nations in 2001 as a frame of reference for sustainable tourism development. It constitutes a comprehensive set of principles addressed to different stakeholders, such as governments, the private sector, host communities, tourists and the media, which aims at maximizing the sector's benefits while minimizing tourism's potentially negative impact on the environment, societies and cultural heritage across the globe. The Code of Ethics is a voluntary instrument, thus non-binding by nature. However, a draft proposal is currently under consideration by UNWTO to transform the Code into a legally binding international convention.

The World Committee on Tourism Ethics was established in 2001 by a resolution of the General Assembly of UNWTO as an impartial third body entrusted with the interpretation of the Code, as well as with the evaluation of its implementation. The chair and the members of that Committee are independent personalities from the public and private sectors who serve on the Committee in their personal capacities for a renewable four-year term. The structure and functions of the Committee were reviewed by the UNWTO General Assembly in 2011, and in 2013 the latter appointed a reformed new Committee.

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Since the adoption of the Global Code of Ethics for Tourism in 1999, the Secretariat of the UNWTO has conducted four surveys among its Member States (in 2000, 2004, 2009 and 2014) to monitor the implementation of the Code by national tourism administrations. For the last survey, the object of the present report), 62 responses to the implementation questionnaire were received from UNWTO member States and territories, including one non-Member State (Finland). Overall since 2000, 128 States and territories have responded to at least one of the four implementation surveys launched by the organization, representing 82 per cent of the membership.

In 2011, the Organization initiated a campaign to enhance the implementation of the Code by the private sector, the ultimate practitioners of tourism development. With that purpose in mind, tourism companies and their trade associations were invited to publicly adhere to the Code of Ethics by signing a commitment through which they pledge to uphold and promote the ethical principles and to report to the World Committee on Tourism Ethics on how they are being implemented in their business operations. As of 30 June 2015, 417 companies and associations from 57 countries around the world have signed the Private Sector Commitment to the UNWTO Global Code of Ethics for Tourism, of which 134 have already submitted their reporting questionnaire to the Committee. **It should be noted that the Private Sector Commitment to the Code is not a certification scheme, and that responses to the implementation survey are based on companies' self-assessment.**

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I. Introduction

1. The World Tourism Organization (UNWTO) is the specialized agency of the United Nations responsible for the promotion of sustainable, responsible and universally accessible tourism. It endeavours to include tourism in the global agenda as a sector that drives economic growth, inclusive development and environmental and sociocultural sustainability. In line with the principles of the Global Code of Ethics for Tourism, the organization aims to maximize the positive economic and sociocultural effects of tourism while minimizing its negative impacts on the environment and society. In this respect, the organization has strived towards achieving the United Nations Millennium Development Goals and is currently committed to advancing the new sustainable development agenda, which is expected to be launched with the adoption of the Sustainable Development Goals by the United Nations General Assembly in September 2015.

2. On 1 October 1999, the General Assembly of the UNWTO by its resolution 406 (XIII) adopted the Global Code of Ethics for Tourism as its main policy document. In 2001 the General Assembly of the United Nations in its resolution 56/212 acknowledged it as a comprehensive set of principles designed to guide the different stakeholders in tourism development, namely, Governments, the tourism sector, host communities and tourists.

3. The Global Code of Ethics is a voluntary instrument, thus non-binding by nature. The application of the Code may, however, be enhanced by the incorporation of its contents and provisions into legislation, regulations and professional codes, a measure that UNWTO recommends to both national tourism administrations and tourism enterprises. The conversion of the Code of Ethics into a legally binding Convention is currently under consideration at UNWTO.

4. The structure of the Code comprises a preamble, the principles (nine articles) and a mechanism for their implementation (article 10). Article 10 makes direct reference to the World Committee on Tourism Ethics as the impartial third body responsible for the application and interpretation of the Code of Ethics and for the settlement of disputes by means of conciliation.

5. Approved by the General Assembly in 2003, the World Committee on Tourism Ethics had worked until 2013 under the original composition of 1 chairperson, 11 members and 11 alternates, who were elected by the organization's member States and territories as well as by its affiliate members from the operational sector. The main tasks of the Committee included interpreting, applying and evaluating the provisions of the Global Code of Ethics.

6. In 2011, upon the recommendation of the UNWTO Secretary-General, the UNWTO General Assembly adopted resolution 607(XIX), which approved a proposal to reform the World Committee on Tourism Ethics with the objective of enhancing its independence, improving its effectiveness and increasing the knowledge and implementation of the Global Code of Ethics worldwide.

7. The reform entailed reviewing appointment procedures of the Committee, as well as adjusting its composition and functions. The process culminated in August 2013 with the appointment of the chairman, the eight members and the three alternate members of the new Committee by UNWTO General Assembly resolution

636(XX). The new Committee resulted in a more dynamic body totalling 12 members, instead of the previous 23 (see annex I to the present report).

8. The Committee's independence from their respective nominating authority (government, affiliate company or university) is ensured on two fronts: first, because the candidates undergo a strict selection process carried out by a selection board set up by the UNWTO General Assembly and composed of the Chair of the General Assembly, the Chair of the Executive Council, the Chair of the Affiliate Members, the Secretary-General and the Legal Adviser of UNWTO. Secondly, the adoption of new rules according to which all travel and accommodation expenses for members' participation in Committee meetings are covered by the UNWTO secretariat (and no longer by their respective nominating authorities) resulted in eliminating any implicit obligations for members to report back to the national tourism administration, tourism enterprise or academic institution which previously used to sponsor their participation in meetings.

9. The functions of the new World Committee on Tourism Ethics, as spelled out in its rules of procedure of 2014, include:

(a) Promoting the principles of the Global Code of Ethics for Tourism;

(b) Monitoring, evaluating and reporting on the implementation of the Global Code of Ethics for Tourism;

(c) Research and issuance of reports, recommendations and observations on ethical matters related to tourism;

(d) Proposal and approval of texts of draft conventions and other legal instruments on specific issues related to the provisions of the Code of Ethics.

10. In 2013, an agreement was signed between the Government of Italy and UNWTO by which the secretariat of the World Committee on Tourism Ethics, which was established in Rome in November 2008, was transformed into the Centre for the Promotion of the Global Code of Ethics for Tourism in order to strengthen the dissemination of the Code of Ethics and to better assist the Committee in spreading the knowledge and understanding of this instrument.

II. Activities of the World Committee on Tourism Ethics

11. Since August 2010, date of the last report of the Secretary-General on the implementation of the Global Code of Ethics for Tourism to the United National General Assembly (A/65/275), the World Committee on Tourism Ethics has met on six occasions — three under the old composition (Bali, June 2011; Rome, July 2012; Madrid, March 2012) and three under the new composition (Madrid, February 2014; Rome, November 2014; Rovinj, May 2015), during which it examined a wide array of ethical issues posing challenges to the tourism sector.

12. Some of the most pertinent topics considered by the past Committee include responsible tourism and its socioeconomic impact on local communities, the economic empowerment of women through tourism, fair tourism, the protection of children against all forms of exploitation in tourism, the prevention of trafficking in human beings and in cultural artefacts; respect for intangible cultural heritage; the protection of tourists as consumers, and the provision of unbiased information to tourists.

13. In its current composition (2013-2017), the Committee has established for itself six main areas of work maintaining the focus, as on previous mandates, on child protection, trafficking in human beings and accessible tourism for all (in particular for persons with disabilities and special needs), while including new concerns such as poaching and the illegal trading of wildlife, the promotion of fair models of all-inclusive holidays and the effect of unfounded ratings on travel portals which may impact the reputation of companies and destinations.

14. At its last meeting, in May 2015, the Committee studied the viability of converting the Global Code of Ethics into a legally binding instrument. With this purpose, it examined a first draft of what could become a convention, prepared by the organization's legal adviser, which the Committee unanimously agreed to transmit for consideration at the twenty-fifth session of the UNWTO General Assembly (Medellin, Colombia, 12-17 September 2015).

III. Implementation of the Global Code of Ethics for Tourism by UNWTO member States

15. One of the main functions of the World Committee on Tourism Ethics is to oversee the implementation of the Global Code of Ethics for Tourism by Governments and the private sector, mainly by means of surveys.

16. Since the adoption of the Global Code of Ethics for Tourism in 1999, the secretariat of the UNWTO has conducted four surveys among its member States (in 2000, 2004, 2009 and 2014) in order to monitor the practical application of the principles of the Code by tourism stakeholders.

17. Overall since 2000, 128 member States and territories (82 per cent) have responded to at least one of the surveys on the implementation of the Global Code of Ethics for Tourism (see annex II of the present report). For the most recent edition of the survey, whose outcome is summarized in the present report, the UNWTO secretariat has received 62 responses from its member States and territories, including one non-member State, Finland (see annex III).

18. The regions with the highest response rate were: Europe (with 43 per cent of the member States) and Africa (24 per cent), followed by the Americas (22 per cent).

19. In addition to the formal acceptance of the Code by all UNWTO member States at the thirteenth session of the General Assembly, held in Santiago in 1999, the Code of Ethics has been given effect by a number of countries through their respective institutional bodies. In previous reports, examples were given such as the adoption by the Honduras National Congress, by the Spanish Council of Ministers, and by Parliamentary/ministerial resolutions in Argentina, Costa Rica, the United Republic of Tanzania, Uruguay and the Flemish Community of Belgium. In the current survey, Albania, Argentina, the Dominican Republic, Haiti, Indonesia, Morocco, Nigeria, and Uruguay have indicated that a Parliamentary/Ministerial resolution had been adopted in their respective countries to implement the Global Code of Ethics. Moreover, the city of Puerto Princesa in the Philippines approved a resolution formally adopting the Global Code of Ethics in September 2014.

20. Furthermore, 29 member States reported that they had incorporated some principles of the Global Code of Ethics into their national legislation, while 27 others used the principles of the Code as a basis when establishing national regulations. For instance, the Government of India in collaboration with the United Nations Office on Drugs and Crime (UNODC), Save the Children and the Pacific Asia Travel Association produced a "Code of Conduct for Safe and Honourable Tourism in 2010 aimed at ensuring safety in tourism for both tourists and local communities.

21. The action most commonly taken by member States to promote the Code of Ethics has been its distribution to various tourism stakeholders (66 per cent of respondents), followed by its translation into national languages. At the moment of its adoption in 1999, the Global Code of Ethics for Tourism was available in the five official languages of UNWTO (Arabic, English, French, Russian and Spanish); since then it has been translated by member States into 46 other national or local languages.

22. Another frequent practice is the use of online tools for dissemination of the Code (through websites, email signatures and online training webinars). The Government of Spain has provided a detailed account of the channels used to promote the Code, which include dissemination through the Ministry's website; distribution of the Code to high-ranking Spanish tourism authorities and tourism associations; coordination of three online workshops with the Governments of Latin American countries on good corporate social responsibility practices; and, lastly, an unusual but interesting dissemination practice which consists in including the Code of Ethics as part of the contract template that is used when signing collaboration agreements with tourism authorities from other countries.

23. Several European countries declared that they relied on the private sector for the implementation of the Code of Ethics and that therefore they focused their dissemination efforts on these corporate entities. For instance, the Netherlands explained that since they had no specific legislation for tourism, in 2004 the Netherlands Ministry of Economic Affairs set up a portal to inspire, connect and strengthen companies to take far-reaching steps in the field of corporate social responsibility and trusted dissemination of the ethical principles of the Code to the Netherlands private sector signatories of the Global Code of Ethics for Tourism.

24. A number of best practices detailed in the reporting questionnaires show some interesting trends by region. The region of the Americas, for instance, seems to place a special focus on campaigns and legislation on the protection of children's rights in tourism. In 2013, the Ministry of Tourism of Argentina adopted a programme called Responsible Tourism and Child Protection, which includes several inter-ministerial cooperation actions, rising awareness in the academic sector as well as cooperation with the private sector. Peru reported that the Ministry of Tourism had been working since 2005 on campaigns to prevent the sexual exploitation of children in tourism, and that it created in this framework a national Code of Conduct targeting the private sector and which counted 1,206 subscribers by 2013. Uruguay adopted a national regulation in December 2013 that obliges tourism providers to implement a series of measures geared towards the elimination of child exploitation in tourism.

25. The work on community well-being in this region is also noteworthy. Argentina, Colombia and the Dominican Republic have reported on projects that tackle the issue of improved understanding between cultures. Argentina and

Colombia are collaborating in the development of tourism sites with indigenous communities, while the latter is focusing on the impact of the all-inclusive tourism model on local communities.

26. Based on the replies to the questionnaires it appears that African Governments of African countries are, in general, more concerned about triggering sustainable tourism through environmental policies. Of the respondents from this region, 80 per cent (12 of 15) indicated that their laws and regulations cover sustainable development, more specifically the protection of natural environment, biodiversity, wildlife and landscapes. A good example is the response received from the National Tourism Authority of Botswana that submitted the Botswana Eco-Policy based on a Tourism Best Practices Manual, an Eco-Tourism Certification System and a Community-Based Natural Resources Management Policy. The National Tourism Authority of Ghana also informed about two relevant policies, one on environment and one on forestry and wildlife.

27. In summary, although the overall response rate is higher than in the latest Implementation Survey of 2010, it is still disappointing to see a low ratio of replies from regions such as South Asia and the Pacific and the Middle East. The voluntary nature of the Code of Ethics itself is possibly one of the decisive factors explaining such moderate level of response to the Survey. The World Committee on Tourism Ethics has therefore considered it necessary to improve the implementation of the Code as mentioned above with the preparation of a proposal for converting the Code into a legally binding international convention.

IV. Implementation of the Global Code of Ethics for Tourism by the private sector

28. With globalization, growing mobility and competitiveness, safeguarding of human rights and respect for the environment and society while doing business have faced new challenges in many economic sectors including tourism. The dominance of corporate business interest has sometimes led to practices that, on occasion, could not be considered as responsible or ethical. One way of addressing the negative impacts of business on society and the planet has been through the voluntary commitment to corporate social responsibility.

29. To leverage transparent and responsible business practices and enhance respect of the basic ethical principles of sustainable tourism development, in 2011 the UNWTO secretariat initiated a campaign geared towards tourism enterprises and their trade associations, the ultimate practitioners of international tourism activities.

30. In this context, the UNWTO secretariat and the World Committee on Tourism Ethics, in cooperation with national tourism administrations, invited tourism businesses to adhere to the Code by publicly signing up to the Private Sector Commitment to the UNWTO Global Code of Ethics for Tourism. In a special ceremony, witnessed by the UNWTO Secretary-General or the Chair of the Ethics Committee, the signatory entities formally pledge to uphold, promote and implement the principles of responsible and sustainable tourism development contained in the Code, and to report to the Ethics Committee on a regular basis on the steps they have taken for the practical application of the Commitment. All signatory companies and associations are allowed to use special logos in all their

communication materials as long as they meet the reporting requirement and there are no indications or complaints about unethical practices by them. The reporting obligation by means of a special questionnaire has to be carried out every two years by all the private sector signatories.

31. In this respect, it is important to draw attention to the fact that the private sector commitment does not constitute a certification scheme, but rather a declaration of intentions by the enterprises and associations that signed it. The implementation survey that the signatories are requested to complete is a self-assessment tool.

32. The implementation survey should, therefore, be seen as a means of obtaining information on existing policies, programmes and practices of the tourism sector in the field of corporate social responsibility, so as to enable the Ethics Committee to establish an inventory of actions already under way in a number of areas, and from there to identify potential gaps which would require more in-depth analysis and the issuance of guidelines or recommendations. The five areas selected for this purpose are: (a) corporate governance and business ethics; (b) employment quality; (c) social equity and human rights; (d) community well-being; and (e) environmental sustainability.

33. As of 30 June 2015, 417 companies and associations from 57 countries have signed the Private Sector Commitment to the Code of Ethics. However, only the 363 entities that signed the commitment prior to 1 January 2015 have received the survey questionnaire for completion (the signatories need a minimum of six months to organize and adjust to the reporting requirement). Of 363 entities, a total of 134 have sent in their replies to the implementation questionnaire, of which 82 were companies and 52 trade associations. The data collection process is an ongoing one as new entities join the initiative.

A. Implementation by companies

34. As of the end of June 2015, UNWTO has received 82 responses from companies out of the 189 that were expected to report on the implementation of the Global Code of Ethics for Tourism (43 per cent) (see annex IV of the present report). A surprising aspect of the overview of replies is that all responding companies are based in only 10 countries, namely Armenia, Chile, Costa Rica, Germany, Indonesia, Japan, Mexico, Philippines, Qatar and Spain. Most replies originate from the Americas (52 per cent).

35. Regarding the promotion of the Code, companies indicate that they have disseminated the Code mainly to their staff members (97 per cent of respondents), and through online dissemination tools such as their corporate websites and portals.

36. When it comes to the implementation of the Code's principles, the methods chosen are very diverse; 15 companies have relied on sector-specific ethical codes, 11 have indicated that they organized informative training sessions on the Code for staff, 9 companies integrated the Code's principles in corporate social responsibilities policies, and the rest of the responses vary from preparing an induction training manual for new staff to including reference to the Code in the hotel check-in information.

37. Of the five areas of corporate social responsibility mentioned above, the ratio of the interest areas reported by the surveyed companies are balanced. As for concrete examples, several companies displayed innovative efforts in the field of community well-being and environmental sustainability, while there are fewer good examples related to governance, employment quality and social equity.

38. Among interesting best practices related to community well-being are the initiatives implemented by TUI AG, a global tour-operator. TUI established the Robinson Hotel School in 2008 in Agadir, Morocco, aimed at providing training and employment opportunities to young people in the country's growing tourism sector. A similar project focused on the empowerment of women is currently being implemented (2012-2016) in Tunisia, where quality professional training is provided to female hotel managers to promote women's advancement in the tourism sector. Another example comes from Mexico, where TUI AG's subsidiary company Thomson and the Thomas Cook Group are supporting Mayan women to produce honey, toiletries and jam made of local fruits to sell in their hotels. In addition, Thomas Cook launched its "Local Label" excursion product in 2013, which allows the company to measure the impact of their business on local economies.

39. Examples related to environmental sustainability were frequent, several of which originate from Latin America. For example, Hotel Parador, situated in the vicinity of Manuel Antonio National Park in Costa Rica, applies the Ozone system, which allows reduction of water consumption by 35 per cent and the usage of detergents and fabric softeners by 50 per cent. In addition, all shampoos, conditioners and soaps are 100 per cent biodegradable and are shipped back to the factory for reuse. This hotel also works with the Titi Conservation Alliance for protecting an extremely endangered primate species in its area of operations. Furthermore, the thematic park Rainforest Adventures, located close to San José, Costa Rica, protects 565 hectares of rainforest and provides information to staff and tourists on how to contribute to the protection of flora and fauna. The company engages in cleaning of national parks and beaches, recycles all material consumed in the offices and saves water and energy through water treatment plants in the park.

40. On employment quality, the multinational hotel chain Grupo Barceló based in Spain presented a detailed employment quality scheme. The scheme includes risk prevention and work safety programmes, observes work and private life balance and keeps transparency of new job announcements through the employee's portal. The latter includes the full text of the company's code of ethics, inspired by the Global Code of Ethics for Tourism, which also is included as a clause in all contractual documents. The staff's performance and employees' workplace satisfaction are evaluated through transparent tools. Furthermore, the company collaborates with non-governmental organizations to provide employment opportunities for persons with disabilities. During 2014, a total of 689 capacity-building activities were carried out.

41. While several companies ensure a policy of equal opportunities and accessibility, concrete initiatives aimed at promoting social equity, gender equality and accessibility are scarce. Exceptions include the Chilean hotel Tierra Atacama, located in San Pedro de Atacama, in which 40 per cent of managerial positions are held by women, and Amadeus IT Group, which promotes gender equality through the Amadeus Women Network, aimed at supporting the professional development of women in the organization.

42. Moreover, Tierra Atacama provides a number of initiatives in the area of social equity and human rights. The hotel staff has been trained to recognize cases of child exploitation and the premises are constructed with a ground floor level only to make the hotel accessible for persons with disabilities. The hotel cooperates with the Smartrip Foundation, which provides training on business development to Chilean micro-entrepreneurs in the vicinity of collaborating hotels, with a view to allowing them to remain within their indigenous communities and to preserve their cultural identity.

43. In general, respondents that have expressed a special interest on issues related to the protection of indigenous communities mention in the survey that they provide tips to their clients on how to approach local communities in order to culturally sensitize the visitors before the actual encounter.

44. Throughout the responses, it is noticeable that major tourism providers are concerned (or starting to be concerned) about the impact of their business on local communities. An example of this is the initiative of Thomas Cook Group, one of the biggest global tour-operators, launched its "Local Label" excursion product in 2013, which has allowed them to start measuring the impact of its business on the local economies. The average discretional spending in destination economies on the "Local Label" excursions in 2013 was estimated at £650,000. In Mexico, this tour-operator supported the initiatives of Mayan women to preserve the forests where they live and to provide bee boxes to home the endangered Melipona bee. Only a few drops of the harvested honey are needed to create toiletries, which were market-tested by Thomas Cook customers. The products are now sold to hotels and the brand has been recognized locally as a formal business.

45. Most of the signatories that have replied to the survey already have a consolidated track record in corporate social responsibility policies. For most companies, implementing the Global Code of Ethics for Tourism allows them to broaden the scope of their corporate social responsibility policies by using an international tourism framework while being part of a global initiative.

B. Implementation by associations

46. UNWTO has received a total of 52 responses from associations out of the 175 that were expected to report on the implementation of the Global Code of Ethics for Tourism (30 percent) (see annex V of the present report). The response rate was highest among European associations followed by those from the Americas.

47. On dissemination actions, 76 per cent of responding associations have provide links to the Code on their website and almost half of them have launched communications campaigns on ethical topics linked to the Code. An innovative way of dissemination is the initiative of the German Travel Association's that made a "tourist-friendly" text of the Code available on their website, which can be downloaded by tour operators and added to tourists' travel documents.

48. Many associations have taken only rudimentary steps in terms of implementation of the Code. However, the Code has been a source of inspiration for a number of associations to develop or improve their own ethical guidelines and corporate social responsibility strategies, as in the case of the Association of Danish Travel Agents and Tour Operators, which applied the principles of the Code in the

design of their corporate social responsibility toolbox. Also, the Australian Federation of Travel Agents reports that the Global Code of Ethics contributed to the development of the Australian Federation Travel Accreditation Scheme, an industry accreditation tool setting the benchmark of quality for the travel industry. Companies wishing to gain accreditation to the scheme have to abide by the Global Code of Ethics.

49. In the context of corporate social responsibility, governance and business ethics was reported to be the most frequently addressed area; nevertheless, innovative corporate social responsibility projects were most often related to social equity and human rights, as well as to environmental sustainability.

50. In relation to human rights, child protection is an issue in which signatories have engaged in various projects. For example, the German Travel Association was the co-initiator of the reporting campaign "Don't look away" in Germany, Austria and Switzerland, and the Netherlands Association of Travel Agents and Tour Operators initiated a campaign at the Schiphol airport, targeting passengers traveling to distant destinations and encouraging them to report on child sex tourism.

51. Environmental sustainability is another prioritized field for associations. Several report about having taken part in the European Union-supported Travelife Sustainability System for Tour Operators and Travel Agencies, a training, management and certification initiative for tourism companies committed to reach sustainability with primary focus on hotels, accommodations, tour operators and travel agencies. The programme includes a wide range of sustainability criteria, which the agency/operator must meet in order to be part of the project.

52. Another good example of promoting sustainable development was reported by the Federación de Empresas de Turismo de Chile which, since 2012, has led a public-private programme to promote the adoption of sustainable practices among tourism enterprises in Chile. The Federation has developed seven manuals of good practices, inter alia, targeting hotels, restaurants, convention centres and municipalities, with recommendations on how to improve sustainability in operations.

53 A clear trend is that the Code of Ethics has provided signatories with a solid framework on which to base the promotion of ethical principles in tourism. With their adherence to the Code, associations report on having gained increased credibility as responsible actors in the tourism industry.

V. Other UNWTO activities in line with the principles of the Code

A. Sustainable Tourism Programme of the 10-Year Framework of Programmes

54. It is recalled that at the United Nations Conference on Sustainable Development, held in Rio de Janeiro in 2012, the 10-Year Framework of Programmes was adopted by Heads of State as a global framework for action to enhance international cooperation to shift towards sustainable consumption and production patterns in both developed and developing countries. The 10-Year

Framework aims at developing, replicating and scaling up sustainable consumption and production and resource efficiency initiatives, at the national and regional levels, decoupling environmental degradation from economic growth, and thus increasing the net contribution of economic activities to poverty eradication and social development. The objectives of the 10-Year Framework will be addressed through various programmes, which in the initial composition are: Consumer Information; Sustainable Buildings and Construction; Sustainable Food Systems; Sustainable Lifestyles and Education; Sustainable Public Procurement, and; Sustainable Tourism.

55. The 10-Year Framework Sustainable Tourism Programme was launched on 5 November 2014 on the occasion of the World Responsible Tourism Day at the World Travel Market in London and is set to harness the power of the more than one billion tourists who travel the world every year as a force for good. The 10-Year Framework offers a major opportunity to ensure that tourism contributes effectively to sustainable development through the adoption of sustainable consumption and production practices resulting in enhanced environmental and social outcomes and improved economic performance; all within the framework of the Sustainable Development Goals. UNWTO is the Lead of the 10-Year Framework Sustainable Tourism Programme, with the Governments of France (Ministry of Ecology, Sustainable Development and Energy), the Republic of Korea (Ministry of Culture, Tourism and Sports) and Morocco (Ministry of Tourism) as Co-Leads. The Lead and Co-Leads are supported by a 23-member Multistakeholder Advisory Committee and by the 10-Year Framework Secretariat based at the Division of Technology, Industry and Economics of the United Nations Environment Programme (UNEP), which is in charge of the overall coordination and reporting to the Economic and Social Council. Another 65 partner organizations agreeing with the goals and objectives of the 10-Year Framework Sustainable Tourism Programme are also committed to support the implementation of the programme of work which has four main areas: (a) Integrating sustainable consumption and production into tourism-related policies and frameworks; (b) Collaboration among stakeholders for the improvement of the tourism sector's sustainable consumption and production performance; (c) Fostering the application of guidelines, tools and technical solutions to improve, mitigate and prevent tourism impacts and to mainstream sustainable consumption and production patterns among tourism stakeholders; (d) Enhancing sustainable tourism investment and financing.

56. In a significant acknowledgment of tourism as a tool for promoting sustainable development, the United Nations General Assembly unanimously adopted its resolution 69/233 on promotion of sustainable tourism, including ecotourism, for poverty eradication and protection of the environment. The text, sponsored by a record 107 delegations, draws on the recommendations contained in a substantive report prepared by UNWTO for the General Assembly. In line with UNWTO recommendations, it underlines the importance of appropriate national policies, guidelines and regulations for promoting sustainable tourism, including ecotourism, and encourages the States Members of the United Nations and regional and international financial institutions to support sustainable tourism projects, enabling the creation of small and medium-sized enterprises, promoting cooperatives and facilitating access to inclusive financial services, including microcredit initiatives for the poor, local and indigenous communities. Among other provisions of the resolution, the General Assembly recognizes that "sustainable tourism, including

ecotourism, represents an important driver of sustainable economic growth and decent job creation, that it can have a positive impact on income generation and education, and thus on the fight against poverty and hunger, and can contribute directly to achieving the internationally agreed development goals" and calls upon the United Nations system to promote sustainable tourism, including ecotourism, as an instrument that can contribute to achieving the Millennium Development Goals.

B. Mainstreaming universal accessibility in tourism

57. The Global Code of Ethics explicitly states that a direct and personal access to tourism should be a right equally open to all and therefore recommends that tourism for persons with disabilities should be encouraged and facilitated. In line with this principle, UNWTO promotes universal access to tourism infrastructures, products and services as a central element of any responsible and sustainable tourism policy.

58. In close collaboration with disabled peoples' organizations and related civil society entities, the organization and the World Committee on Tourism Ethics developed the "Recommendations on Accessible Tourism for All", which were adopted by the UNWTO General Assembly in 2013. A set of more specific recommendations focusing on the accessibility of information in tourism will be submitted for adoption at the forthcoming UNWTO General Assembly session, in September 2015.

59. These recommendations are complemented by a series of technical manuals addressed to national tourism administrations, destination management organizations, and travel and tourism enterprises. These manuals analyse the demand and supply factors linked to accessible tourism and suggest indicators for creating accessible destinations according to the principles of Design for All. Making the tourism sector more accessible also entails major business opportunities, but, above all, it will result in more enjoyable destinations for both visitors and the local population.

C. Anti-trafficking campaign in tourism

60. In 2014, UNWTO joined forces with the United Nations Office on Drugs and Crime and the United Nations Educational, Scientific and Cultural Organization in launching a global campaign urging travellers to support the fight against trafficking, with a main focus on trafficking in human beings, and in wildlife and cultural artefacts.

61. Under the slogan "Your Actions Count — Be a Responsible Traveller" the campaign aims to raise awareness about the most common illicit goods and services that tourists might be exposed to while travelling. With more than one billion tourists travelling the globe each year the tourism sector needs to acknowledge its great potential in making a change for good.

62. Representatives of the private sector, such as Marriot International and Sabre, have been involved in disseminating the campaign to their clients and employees through various electronic means.

VI. Conclusion

63. Since the adoption of the Global Code of Ethics for Tourism in 1999 by the General Assembly, the World Tourism Organization has actively promoted its nine principles for the achievement of a sustainable, responsible and accessible tourism development, both through the work of the World Committee on Tourism Ethics and through its regular programme activities which are strongly linked to the United Nations Millennium Development Goals and the future Sustainable Development Goals.

64. The implementation of the Global Code of Ethics by the national tourism authorities has been followed up since the year 2000 and, despite some remarkable achievements, there is still great scope for a more substantive improvement in terms of the practical application of its principles. One of the main reasons is probably the non-binding nature of the Global Code of Ethics itself. To reinforce the effectiveness of the Code and the obligatory character of its implementation by Governments, the World Committee on Tourism Ethics has undertaken initial steps to transform the Code into an international convention. A first proposal of a draft convention will be submitted at the twenty-first session of the UNWTO General Assembly (Medellin, Colombia, in September 2015), for consideration.

65. The recent engagement of the private sector with the principles of the Global Code of Ethics has resulted in a successful initiative that, in less than four years, has gathered 417 signatories from 57 countries, leading not only to a better knowledge and enhanced visibility of the Code of Ethics, but generating also a greater awareness among the global tourism community of the need for more ethical business practices and for the exchange of such practices among companies and countries. From the first reporting exercise it is positively noticed that most tourism companies and associations accomplish in the context of their corporate social responsibilities policies already a number of activities that comply with the principles of the Global Code of Ethics. It is also encouraging to see the variety of programmes and activities of the private sector and the interest towards engaging in new areas of corporate social responsibilities, albeit an appropriate evaluation mechanism for assessing the actual degree of implementation reported by companies and associations, is still being developed by the World Committee of Tourism Ethics.

66. Overall, the Global Code of Ethics for Tourism has so far proven to be instrumental in promoting an ethical, responsible and sustainable development of tourism in line with the core goals and values of the United Nations. Yet, much remains to be done, and support from the General Assembly would help to pursue the ongoing efforts to give more clout to the Code.

Annex I

World Committee on Tourism Ethics (2013-2017)

Chair:

Mr. Pascal LAMY (France)
Former Director-General of the World Trade Organization (WTO)

Members:

Mr. I Gede ARDIKA (Indonesia)
Former Minister of Tourism of Indonesia

Mr. Yoshiaki HOMPO (Japan)
Former Commissioner of Japan Tourism Agency

Ms. Fiona JEFFERY (United Kingdom)
Former Chair of the World Travel Market

Mr. Khelil LAJIMI (Tunisia)
Former Minister of Tourism of Tunisia

Mr. Jean-Marc MIGNON (France)
President, International Social Tourism Organisation (ISTO)

Ms. Tanja MIHALIC (Slovenia)
Head of Institute of Tourism, University of Ljubljana, Slovenia

Mr. Ron OSWALD (United Kingdom)
General Secretary, International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF)

Mr. Eugenio YUNIS (Chile)
Executive Vice President, Federation of Tourism Enterprises of Chile

Alternate Members:

Mr. Hiran COORAY (Sri Lanka)
Chairman, Jetwing

Ms. Suzy HATOUGH (Jordan)
Director of Dar Al-Diafa for Tourism Human Resources Development Consultancy

Ms. Gunnur DIKER (Turkey)
Advisor to president, Association of Turkish Travel Agents (TÜRSAB)

Annex II

UNWTO surveys on the implementation of the Global Code of Ethics for Tourism: UNWTO member States, associate members and observers

List of respondents (all surveys: 2000, 2004, 2008 and 2015)

1. Albania (2004, 2015)
2. Algeria (2004)
3. Andorra (2015)
4. Angola (2004, 2015)
5. Argentina (2004, 2008, 2015)
6. Armenia (2004)
7. Australia (2008)
8. Austria (2000, 2004, 2008, 2015)
9. Azerbaijan (2004, 2015)
10. Bahamas (2015)
11. Bangladesh (2000, 2004, 2008, 2015)
12. Belarus (2015)
13. Benin (2004, 2015)
14. Bhutan (2004)
15. Bolivia (2004)
16. Bosnia and Herzegovina (2008, 2015)
17. Botswana (2000, 2008, 2015)
18. Brazil (2000, 2004, 2008, 2015)
19. Brunei Darussalam (2015)
20. Burundi (2000, 2004)
21. Cambodia (2004)
22. Cameroon (2000, 2004, 2008, 2015)
23. Canada (2000, 2004, 2008)
24. Central African Republic (2000)
25. Chile (2004, 2008)
26. Colombia (2004, 2008, 2015)
27. Congo (2004, 2015)
28. Croatia (2000, 2015)
29. Costa Rica (2004, 2008, 2015)
30. Côte d'Ivoire (2004)
31. Cyprus (2000, 2004, 2008)
32. Czech Republic (2000, 2004, 2015)
33. Dominican Republic (2004, 2015)
34. Ecuador (2000, 2004, 2008, 2015)
35. Egypt (2000, 2004)
36. El Salvador (2000, 2004)
37. Eritrea (2004)
38. Ethiopia (2000)
39. Fiji (2000, 2004)
40. Finland[a] (2015)
41. Flanders, Belgium (2004, 2008, 2015)

[a] Not a UNTWO member State.

42. France (2000)
43. Gabon (2004, 2015)
44. Gambia (2015)
45. Germany (2004, 2008, 2015)
46. Georgia (2000, 2015)
47. Ghana (2000, 2015)
48. Greece (2000, 2004, 2008, 2015)
49. Guatemala (2000, 2004)
50. Guinea (2004)
51. Guinea-Bissau (2000)
52. Haiti (2015)
53. Honduras (2004)
54. Hong Kong, China (2004)
55. Hungary (2000, 2004, 2015)
56. Indonesia (2000, 2004, 2008, 2015)
57. Iran, Islamic Republic of (2004)
58. Israel (2004, 2015)
59. Italy (2000, 2004, 2008)
60. Jamaica (2000, 2004, 2008, 2015)
61. Japan (2000, 2015)
62. Jordan (2004, 2008)
63. Kenya (2000, 2004, 2008, 2010)
64. Kyrgyzstan (2004)
65. Latvia (2008)
66. Lesotho (2000, 2004)
67. Lithuania (2004, 2015)
68. Macau S.A.R., China (2000, 2008)
69. Madeira, Portugal (2004)
70. Malawi (2004)
71. Malaysia (2004)
72. Maldives (2015)
73. Mali (2004)
74. Malta (2004)
75. Mauritius (2000, 2004)
76. Mexico (2004, 2015)
77. Monaco (2004)
78. Montenegro (2004)
79. Morocco (2004, 2015)
80. Myanmar (2015)
81. Netherlands (2004, 2015)
82. Nicaragua (2000, 2015)
83. Niger (2000, 2004)
84. Nigeria (2004, 2008, 2015)
85. Oman (2004)
86. Panamá (2000, 2004, 2015)
87. Paraguay (2004)
88. Peru (2004, 2008)
89. Philippines (2000, 2004)
90. Poland (2004)
91. Portugal (2004, 2008, 2015)

92. Puerto Rico (2004)
93. Republic of Korea (2004)
94. Republic of Madagascar (2000, 2004, 2008)
95. Republic of Moldova (2004, 2015)
96. Republic of Seychelles (2000, 2004)
97. Romania (2004, 2015)
98. Russian Federation (2000)
99. San Marino (2000, 2008)
100. Saudi Arabia (2004, 2008)
101. Senegal (2000, 2004, 2008, 2015)
102. Serbia (2004, 2015)
103. Slovakia (2000, 2004, 2008, 2015)
104. Slovenia (2004, 2015)
105. South Africa (2004, 2008)
106. Spain (2004, 2008, 2015)
107. Sri Lanka (2000, 2004)
108. St. Eustatius, Netherlands Antilles (2000)
109. Sudan (2008, 2015)
110. Swaziland (2008, 2015)
111. Switzerland (2015)
112. Syrian Arab Republic (2000, 2004)
113. Thailand (2000, 2004)
114. The former Yugoslav Republic of Macedonia (2015)
115. Togo (2004, 2008)
116. Tunisia (2015)
117. Turkey (2004, 2008, 2015)
118. Uganda (2004)
119. Ukraine (2000, 2004)
120. United Arab Emirates (2015)
121. United Republic of Tanzania (2000, 2004, 2008)
122. Uruguay (2008, 2015)
123. Venezuela (2000, 2004, 2015)
124. Viet Nam (2004)
125. Zambia (2000, 2004, 2008, 2015)
126. Zimbabwe (2000)
127. Holy See (Permanent Observer) (2000)
128. Palestine (Special Observer) (2000)

Annex III

Implementation survey on the Global Code of Ethics for Tourism, 2014/2015: UNWTO member States, associate members and observers

List of respondents (as of 30 June 2015)

Total: 62

Africa (15)

1. Angola
2. Benin
3. Botswana
4. Cameroon
5. Congo
6. Ethiopia
7. Gabon
8. Gambia
9. Ghana
10. Morocco
11. Nigeria
12. Senegal
13. Sudan
14. Swaziland
15. Zambia

Americas (14)

16. Argentina
17. Bahamas
18. Brazil
19. Colombia
20. Costa Rica
21. Dominican Republic
22. Ecuador
23. Haiti
24. Jamaica
25. Mexico
26. Nicaragua
27. Panamá
28. Uruguay
29. Venezuela

Asia and the Pacific (4)

30. Brunei Darussalam
31. Indonesia
32. Japan
33. Myanmar

South Asia (1)

34. Maldives

Europe (27)

35. Albania
36. Andorra
37. Austria
38. Azerbaijan
39. Belarus
40. Bosnia and Herzegovina
41. Croatia
42. Czech Republic
43. Finland[a]
44. Flanders, Belgium
45. Georgia
46. Germany
47. Greece
48. Hungary
49. Israel
50. Netherlands
51. Portugal
52. Lithuania
53. Republic of Moldova
54. Romania
55. Serbia
56. Slovakia
57. Slovenia
58. Spain
59. Switzerland
60. The former Yugoslav Republic of Macedonia
61. Turkey

Middle East (1)

62. United Arab Emirates

[a] Not a UNWTO member State.

Annex IV

Reporting questionnaire of the private sector signatories to the Global Code of Ethics for Tourism: companies

(dates of commitment in brackets)

List of respondents (as of 30 June 2015)

1. Amadeus IT Group, Spain (16 Sept. 2011)
2. Grupo Barceló, Spain (16 Sept. 2011)
3. Grupo Iberostar, Spain (16 Sept. 2011)
4. Iberia, Spain (16 Sept. 2011)
5. Melia Hotels International, Spain (16 Sept. 2011)
6. NH Hoteles, Spain (16 Sept. 2011)
7. AmHotels, Armenia (19 Oct. 2012)
8. Aeroméxico, Mexico (24 Oct. 2012)
9. Corporativo Cedis — Grupo Palace Resorts, Mexico (24 Oct. 2012)
10. RCI — Latin America & Caribbean, Mexico (24 Oct. 2012)
11. AIDA Cruises, Germany (17 Nov. 2012)
12. FTI Group, Germany (17 Nov. 2012)
13. Schauinsland-Reisen GmbH, Germany (17 Nov. 2012)
14. Studiosus Reisen München GmbH, Germany (17 Nov. 2012)
15. Thomas Cook AG, Germany (17 Nov. 2012)
16. TUI AG, Germany (17 Nov. 2012)
17. Agencia de Viajes Cocolimón, Costa Rica (13 May 2013)
18. Casa Luna Hotel & Spa, Costa Rica (13 May 2013)
19. Cooprena & Simbiosis Tours, Costa Rica (13 May 2013)
20. Costa Rica Expeditions (13 May 2013)
21. CRS Tours — Potasio K Diecinueve S.A., Costa Rica (13 May 2013)
22. CRT Team (Tour Operator & DMC), Costa Rica (13 May 2013)
23. Discovery Travel, Costa Rica (13 May 2013)
24. Doka Estate Coffee Tours, Costa Rica (13 May 2013)
25. Ecole Travel, Costa Rica (13 May 2013)
26. Green World Adventures, Costa Rica (13 May 2013)
27. Hotel Campo Verde, Costa Rica (13 May 2013)
28. Hotel Colonial, Costa Rica (13 May 2013)
29. Hotel Parador, Costa Rica (13 May 2013)
30. Hotel Pirate Cove, Costa Rica (13 May 2013)
31. Hotel Terrazas de Golf, Costa Rica (13 May 2013)
32. Il Viaggio Travel, Costa Rica (13 May 2013)
33. Mapache Rent a Car, Costa Rica (13 May 2013)
34. Panorama Tours, Costa Rica (13 May 2013)
35. Rain Forest Adventures, Costa Rica (13 May 2013)
36. Rios Tropicales, Costa Rica (13 May 2013)
37. Swiss Travel Costa Rica (13 May 2013)
38. Toyota Rent a Car (Sociedad Rentacar Centroamericana S.A.), Costa Rica (13 May 2013)
39. Travel Excellence, Costa Rica (13 May 2013)
40. Tryp San José, Sabana, Costa Rica (13 May 2013)
41. Unique Adventures, Costa Rica (13 May 2013)

42. Westin Golf Resort & Spa Playa Conchal, Costa Rica (13 May 2013)
43. Bali Niksoma Boutique Beach Resort, Indonesia (1 Oct. 2013)
44. Furama Villas and Spa, Ubud, Indonesia (1 Oct. 2013)
45. Griya Santrian, Indonesia (1 Oct. 2013)
46. Melia Bali, Indonesia (1 Oct. 2013)
47. PT. Banten West Java (Tourism Development Corporation), Indonesia, (1 Oct. 2013)
48. Sol Beach House Benoa Bali — All Inclusive (Formerly Melia Benoa), Indonesia (1 Oct. 2013)
49. St. Regis Bali and The Laguna Resort, Nusa Dua, Indonesia (1 Oct. 2013)
50. Wapa di Ume, Ubud, Indonesia (1 Oct. 2013)
51. Arabian Adventures, Qatar (24 Feb. 2014)
52. Intercontinental Doha, Qatar (24 Feb. 2014)
53. Kingsgate, Qatar (24 Feb. 2014)
54. Moevenpick Hotel Doha, Qatar (24 Feb. 2014)
55. Moevenpick Tower & Suites Doha Qatar, (24 Feb. 2014)
56. Plaza Inn Doha (rebranded from Best Western Doha, 1 May 2014), Qatar (24 Feb. 2014)
57. Qatar International Adventures (24 Feb. 2014)
58. Retaj Al Rayan, Qatar, (24 Feb. 2014)
59. St Regis, Qatar (24 Feb 2014)
60. Torch Hotel, Qatar (24 Feb. 2014)
61. Wydham Grand Regency Doha, Qatar (24 Feb. 2014)
62. Amarela Resort Corporation, Philippines (18 May 2014)
63. Divelink Cebu, Philippines (18 May 2014)
64. Rajah Travel Corporation, Philippines (18 May 2014)
65. Andina del Sud (20 June 2014)
66. Atton Hoteles, Chile (20 June 2014)
67. Casadoca Hotel Boutique, Chile (20 June 2014)
68. EcoCamp Patagonia, Chile (20 June 2014)
69. Hotel Antumalal, Chile (20 June 2014)
70. Hotel Hangaroa Eco Village & Spa Chile (20 June 2014)
71. Hotel Termas Puyehue Wellness & Spa Resort, Chile (20 June 2014)
72. Novojet Chile, Chile (20 June 2014)
73. Panamericana Hoteles, Chile (20 June 2014)
74. Tierra Atacama, Chile (20 June 2014)
75. Tierra Patagonia, Chile (20 June 2014)
76. Termas Aguas Calientes, Chile (20 June 2014)
77. Ski Portillo, Chile (20 June 2014)
78. Sociedad Hotelera Quilquilco, Chile (20 June 2014)
79. H.I.S., Japan (25 Sept. 2014)
80. JTB Corp., Japan (25 Sept. 2014)
81. Nippon Travel Agency, Japan (25 Sept. 2014)
82. World Air-Sea Service, Japan (25 Sept. 2014)

Annex V

Reporting questionnaire of the private sector signatories to the Global Code of Ethics for Tourism: associations

(dates of commitment in brackets)

List of respondents (as of 30 June 2015)

1. Federación Internacional de Asociaciones de Ejecutivas de Empresas Turísticas (FIASEET) (12 Sept. 2012)
2. Union of Incoming Tour Operators of Armenia — UITO (19 Oct. 2012)
3. Asociación Mexicana de Desarrolladores Turísticos (AMDETUR) (24 Oct. 2012)
4. German Travel Association (DRV) (17 Nov. 2012)
5. Netherlands Association of travel Agents and Tour Operators (ANVR) (9 Jan. 2013)
6. Association of Turkish Travel Agents (TÜRSAB) (27 March 2013)
7. Turkish Hoteliers Federation (TÜROFED) (27 March 2013)
8. Turkish Tourism Investors Association (TYD) (27 March 2013)
9. Union of Chambers and Commodity Exchanges of Turkey (TOBB) (27 March 2013)
10. Fédération Nationale de l'Industrie Touristique de Côte d'Ivoire (FENITOURCI) (24 April 2013)
11. Federation of Romanian Tourism Employers (FPTR), (3 July 2013)
12. Organizaţia Patronală a Turismului Balnear (OPTBR) (The Organization of Spa Owners in Romania) (3 July 2013)
13. Association of the Indonesian Tour & Travel Agencies (ASITA) (1 Oct. 2013)
14. Indonesia Exhibition Companies Association (IECA) (1 Oct. 2013)
15. ACTA — Association of Cyprus Travel Agents (ECTAA) (7 Nov. 2013)
16. Association of Canadian Travel Agencies (ACTA) (7 Nov. 2013)
17. Australian Federation of Travel Agents (AFTA), (7 Nov. 2013)
18. European Travel Agents' and Tour Operators' Associations (ECTAA) (7 Nov. 2013)
19. The Association of Danish Travel Agents and Tour Operators (ECTAA) (7 Nov. 2013)
20. Travel Agents Association of New Zealand (TAANZ) (7 Nov. 2013)
21. VIRKE — Enterprise Federation of Norway (7 Nov. 2013)
22. Alentejo Network of Village Tourism | Genuineland, Portugal (2 Dec. 2013)
23. Associação Portuguesa dos Portos de Recreio (APPR) (2 Dec. 2013)
24. European Blue Flag Association (ABAE) (2 Dec. 2013)
25. Portuguese Association of Hotels, Restaurants and Tourism (APHORT) (2 Dec. 2013)
26. Portuguese Association of Resorts (APR) (2 Dec. 2013)
27. Portuguese Tourism Confederation (2 Dec. 2013)
28. Privetur — Portuguese Association of Rural Tourism (2 Dec. 2013)
29. Asociación Dominicana de Operadores de Turismo (ADOTUR) (17 Feb. 2014)
30. Association of Bulgarian Tour operators and travel agents (29 May 2014)
31. Bulgarian Association of Travel Agents (29 May 2014)
32. Bulgarian Association for Alternative Tourism, (29 May 2014)
33. Bulgarian Tourist Chamber (29 May 2014)

34. Union of Bulgarian Tourist Guides (29 May 2014)
35. Asociación Gremial de Empresarios Hoteleros de Chile (20 June 2014)
36. Federación de Empresas de Turismo de Chile (FEDETUR) (20 June 2014)
37. Asociación Colombiana de Agencias de Viajes (ANATO), (25 June 2014)
38. Japan Association of Travel Agents (JATA), (25 Sept. 2014)
39. Japan Travel and Tourism Association (JTTA) (25 Sept. 2014)
40. Cámara Nacional de Comercio (Bolivia) (7 Oct. 2014)
41. Federación Boliviana de Guías de Turismo (FEBOGUIT) (7 Oct. 2014)
42. Asociación Hotelera de Itapúa (ASHOIT), Paraguay, (9 Oct. 2014)
43. Asociación Industrial Hotelera del Paraguay (AIHPY) (9 Oct. 2014)
44. Asociación Paraguaya de Agencias de viajes y Empresas de Turismo (ASATUR) (9 Oct. 2014)
45. Unión de Asociaciones de Turismo del Paraguay (9 Oct. 2014)
46. Association of Croatian Travel Agencies (UHPA) (6 Nov. 2014)
47. Association of Finnish Travel Agents (6 Nov. 2014)
48. Association of Swedish Travel Agents and Tour Operators (6 Nov. 2014)
49. Asociación Argentina de Organizadores y Proveedores de Exposiciones, Congresos y Eventos (AOCA) (4 Dec. 2014)
50. Cámara Argentina de Turismo (4 Dec. 2014)
51. Cámara de Hosteles, Argentina (4 Dec. 2014)
52. Federación Empresaria Hotelera Gastronómica Argentina (FEHGRA) (4 Dec. 2014)

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Item 129 of the provisional agenda*
International Residual Mechanism for Criminal Tribunals

Security Council
Seventieth year

International Residual Mechanism for Criminal Tribunals

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and of the Security Council the third annual report of the International Residual Mechanism for Criminal Tribunals, submitted by the President of the Mechanism in accordance with article 32 (1) of the statute of the Mechanism (see Security Council resolution 1966 (2010), annex 1).

* A/70/150.

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Letter of transmittal

Letter dated 31 July 2015 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the General Assembly and the President of the Security Council

I have the honour to submit the third annual report of the International Residual Mechanism for Criminal Tribunals, dated 31 July 2015, to the General Assembly and the Security Council, pursuant to article 32 (1) of the statute of the Mechanism.

(*Signed*) Theodor **Meron**
President

Third annual report of the International Residual Mechanism Criminal Tribunals

Summary

The present report outlines the activities of the International Residual Mechanism for Criminal Tribunals from 1 July 2014 to 30 June 2015.

The Mechanism is now operating on two continents and performing functions inherited from both the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia. These functions include attending to judicial matters, providing protection to witnesses, supervising the enforcement of sentences and managing archives.

During the reporting period, the President supervised matters related to the management of the Mechanism, coordinated the work of the Chambers and issued a large number of orders and decisions on issues including the enforcement of sentences and the monitoring of cases referred to Rwanda. The Appeals Chamber delivered its first appeal from a judgement and issued a number of decisions in that and other cases. In addition, single judges rendered a large number of orders and decisions on a range of matters, including the variation of protective measures.

The Office of the Prosecutor focused on the activities within its remit, including the tracking of the remaining fugitives indicted by the International Criminal Tribunal for Rwanda, the rendering of assistance to national authorities and the prosecution of the Mechanism's first appeal from judgement. In addition, the Office of the Prosecutor established systems and procedures to streamline its operations and ensure greater coordination between its offices at the two branches.

The Registry provided and coordinated an increasing range of administrative and judicial support services for the Mechanism as it prepared for the closure of the International Criminal Tribunal for Rwanda and assumed increasing responsibility for activities formerly managed by the International Tribunal for the Former Yugoslavia. It offered protection and support services to witnesses, worked on various aspects of the enforcement of sentences handed down by the Tribunals and collaborated with the Tribunals on the preparation of records and archives for transfer to the Mechanism. The Registry also assisted in the conclusion of a host State agreement with the Netherlands and is managing the construction of the new premises for the Arusha branch. On the administrative front, the Mechanism continued the gradual process of establishing its own administrative capacity.

I. Introduction

1. The third annual report of the Mechanism outlines the activities of the Mechanism for the period from 1 July 2014 to 30 June 2015.

2. On 1 July 2013, the Mechanism opened its branch in The Hague. As a result, the Mechanism now has branches on two continents; the first branch, located in Arusha, United Republic of Tanzania, opened on 1 July 2012. Consistent with its statute and the transitional arrangements, the Mechanism has been assuming increasing responsibilities and functions from the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia.

3. The Mechanism's mandate includes ensuring the trial of certain fugitives indicted by the International Criminal Tribunal for Rwanda. To date, all International Tribunal for the Former Yugoslavia fugitives have been apprehended and transferred to that Tribunal for trial. Of the persons indicted by the International Criminal Tribunal for Rwanda, nine individuals are still at large. Three of the nine, who are alleged to have played senior leadership roles, are expected to be tried by the Mechanism, and the cases of the remaining six have been referred to Rwanda for trial.

4. The Mechanism has also been mandated to conduct a number of other judicial activities, consistent with the provisions of its statute and the dates specified in the transitional arrangements. These activities include retrials of cases completed by the two Tribunals, appeals of their judgements and sentences, reviews of their proceedings, and contempt of court and false testimony cases.

5. In addition, the Mechanism has been tasked with assuming certain functions from the two Tribunals, including the protection of victims and witnesses who have testified in the Tribunals' cases, management of the Tribunals' and Mechanism's archives, supervision of the enforcement of Tribunal sentences, responding to requests for assistance from national authorities in relation to the investigation or prosecution of those alleged to be responsible for serious violations of international humanitarian law in Rwanda and the countries of the former Yugoslavia, and monitoring of cases referred to national courts by the two Tribunals.

6. During the reporting period, the Mechanism conducted a range of judicial and other activities within its remit. The Mechanism also reviewed and developed its legal and regulatory framework, and completed a large part of its recruitment efforts. Although it was still partially reliant on the Tribunals during the reporting period for certain support services, the Mechanism made significant progress in establishing its own administrative capacity.

II. Activities of the Mechanism

A. Organization

7. The Mechanism consists of three organs, which serve both branches of the Mechanism: (a) the Chambers from which trial and appeal benches can be formed as needed, and which is presided over by the President; (b) the Prosecutor; and (c) the Registry, which provides administrative services to the Mechanism, including the Chambers and the Prosecutor.

8. Each organ is headed by a full-time principal common to both branches and serving terms of four years. The President of the Mechanism is Judge Theodor Meron, the Prosecutor for the Mechanism is Hassan Bubacar Jallow, and the Mechanism's Registrar is John Hocking.

9. The Security Council has established that the Mechanism will operate for an initial four-year period, starting from 1 July 2012. Unless the Council decides otherwise, the Mechanism shall continue to operate for subsequent periods of two years, following reviews by the Council of the progress of the Mechanism's work, including in completing its functions.

B. Legal and regulatory framework

10. An agreement between the United Nations and the Netherlands concerning the branch of the Mechanism at The Hague was signed on 23 February 2015. Upon its entry into force, this agreement will, inter alia, regulate matters relating to the proper functioning of the Mechanism in the Netherlands, facilitate its smooth and efficient functioning and create conditions conducive to the Mechanism's stability and independence.

11. The Mechanism further developed procedures and policies building upon the best practices of both the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia. During the reporting period, the Mechanism revised its practice direction on filings made before it. The judges of the Mechanism also adopted a code of professional conduct for the judges of the Mechanism.

C. Mechanism Coordination Council

12. Pursuant to Rule 25 of the Mechanism's Rules of Procedure and Evidence, the Mechanism Coordination Council is composed of the President, the Prosecutor and the Registrar and meets on an ad hoc basis to coordinate the activities of the three organs of the Mechanism. The Council has met to discuss, inter alia, the transfer of functions from the two Tribunals, the strategic plan on acquitted and released persons, budgetary matters, the regulatory framework and other matters of common concern.

D. Rules Committee

13. The President previously assigned two Mechanism judges to compose a Rules Committee, namely Judge Vagn Joensen and Judge Carmel Agius, who are also chairs of the Rules Committees of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, respectively. The Mechanism's Rules Committee considered a number of proposals for amendments to the Rules during the reporting period.

E. Coordination with other tribunals

14. During the reporting period, the Mechanism has coexisted with both the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia and has benefited greatly from its two predecessor institutions, receiving significant operational and administrative support from them. The staff of the three institutions have worked together closely and shared institutional knowledge, expertise and lessons learned.

III. Activities of the President and the Chambers

A. Principal activities of the President

15. The President, in his capacity as the head of the Mechanism, has engaged in many issues related to the establishment and management of the Mechanism. He has developed and contributed to the development of various policies, held regular meetings with the Registrar on operational matters and represented the Mechanism in a variety of forums.

16. As mandated by the statute, during the reporting period, the President submitted two biannual reports on the progress of the Mechanism to the Security Council and twice briefed the Security Council on the work of the Mechanism — in December 2014 and June 2015. Also as mandated by the statute, the President presented the Mechanism's second annual report (A/69/226-S/2014/555) to the General Assembly in October 2014.

17. The President interacted with State officials and victims' groups from the former Yugoslavia and Rwanda in The Hague, Arusha and other locations.

18. In his judicial capacity, the President has issued numerous assignment orders, including on the assignment of panels to consider the revocation of cases referred to Rwanda. With respect to the enforcement of sentences, the President issued numerous orders and decisions relating to applications for early release, sentence remission and other public and confidential matters. In addition, the President presided over the Appeals Chamber and served as pre-appeal judge on the Mechanism's first appeal from judgement, in the case of *Augustin Ngirabatware v. the Prosecutor*.

B. Principal activities of single judges/duty judge

19. During the reporting period, single judges at the Arusha and the Hague branches, Judges Bakone Justice Moloto, Burton Hall, Vagn Joensen and Liu Daqun, were seized of and issued orders or decisions in relation to numerous requests concerning assistance to national jurisdictions, the translation of filings, access to confidential information, the variation of protective measures, allegations of contempt, witness recantation, changes in the classification of filings and compensation. Collectively, more than 61 decisions or orders were issued during the reporting period.

20. On 13 May 2015, the President assigned a trial chamber, composed of Judges Vagn Joensen, presiding, William Sekule and Florence Arrey, to consider Jean

Uwinkindi's oral request, made through the Mechanism trial monitor report, for the revocation of the referral of his case to Rwanda. On 5 June 2015, the President referred Mr. Uwinkindi's *pro se* written request on this matter to the same trial chamber. On 21 May 2015, the presiding judge, Judge Vagn Joensen, issued an order assigning himself as pretrial judge and, on 22 May 2015, issued an order as pretrial judge setting the briefing schedule on the revocation request as commencing from the date on which Mr. Uwinkindi was assigned counsel under the Mechanism's legal aid system. On 22 June 2015, the Registrar assigned Mr. Uwinkindi counsel. Briefing on this request was ongoing as at 30 June 2015.

C. Principal activities of the Appeals Chamber

21. During the reporting period, the Appeals Chamber delivered its first appeal judgement in the case of *Augustin Ngirabatware*. A trial chamber of the International Criminal Tribunal for Rwanda convicted Mr. Ngirabatware, a former Minister of Planning of Rwanda, of genocide, direct and public incitement to commit genocide and rape as a crime against humanity and sentenced him to 35 years of imprisonment. Mr. Ngirabatware appealed, and the briefing was completed on 13 August 2013. The Appeals Chamber heard oral arguments in Arusha on 30 June 2014. On 21 November 2014, the Appeals Chamber issued a decision dismissing Mr. Ngirabatware's three motions for the admission of additional evidence on appeal. On 18 December 2014, the Appeals Chamber affirmed Mr. Ngirabatware's convictions for genocide and direct and public incitement to commit genocide. The Appeals Chamber, however, reversed the conviction for rape as a crime against humanity and, accordingly, reduced Mr. Ngirabatware's sentence to 30 years of imprisonment.

22. In addition, on 6 November 2014, the Appeals Chamber denied Eliézer Niyitegeka's request for the assignment of counsel to assist him with an anticipated request for review and the presiding judge issued a related order. On 19 January 2015, the Appeals Chamber denied a similar request from Aloys Ntabakuze for the assignment of counsel for purposes of filing a request for review, after the President, in his capacity as the presiding judge, issued a confidential related decision.

23. As at the conclusion of the reporting period, the Appeals Chamber was seized with a request for review filed by Milan Lukić. The President, in his capacity as presiding judge of the *Milan Lukić* case, has rendered three orders or decisions dealing with confidential requests, with an additional confidential request pending. In addition, the Appeals Chamber was seized with requests for review filed by Sreten Lukić and Eliézer Niyitegeka as well as another confidential matter related to the *Niyitegeka* case. Ferdinand Nahimana has also filed a request for review, which is expected to be assigned to the Appeals Chamber.

IV. Activities of the Office of the Prosecutor

24. During the reporting period, the Office of the Prosecutor continued to discharge its mandate with respect to a variety of activities, including tracking fugitives, rendering assistance to national authorities, monitoring cases referred to national jurisdictions, maintaining and updating fugitive files in anticipation of arrest and conducting litigation before the Mechanism.

25. In addition, during the reporting period, the establishment of systems and procedures to streamline operations and ensure greater coordination between the branches continued. The second joint branch meeting of the Office of the Prosecutor took place in The Hague in December 2014. Since then, the Prosecutor has issued two internal policies (on disclosure and on confidential information obtained pursuant to rule 76 (B) of the Rules of Procedure and Evidence of the Mechanism and rule 70 (B) of the rules of procedure and evidence of both Tribunals). The two branches also coordinated on recruitment processes and in preparing the budget for the next biennium.

A. Arusha branch of the Office of the Prosecutor

26. With the International Criminal Tribunal for Rwanda entering into the final phase of its completion strategy, the Arusha branch of the Mechanism's Office of the Prosecutor continued to focus its efforts on gradually taking full responsibility for all remaining functions of the Tribunal's Office of the Prosecutor.

1. Fugitive tracking and trial readiness

27. The arrest and prosecution of the three fugitives, Augustin Bizimana, Félicien Kabuga and Protais Mpiranya, remain a key priority, and the Prosecutor continues his efforts to track those fugitives, with particular emphasis on the southern African and Great Lakes regions. As part of new projects initiated with various partners to disseminate information to the public and renew the call for international cooperation in facilitating the tracking and arrest of the nine remaining fugitives, the Prosecutor launched the International Fugitives Initiative in Kigali on 24 July 2014. This programme has involved the distribution of posters depicting the fugitives and the public dissemination of audio and video materials. In anticipation of the arrest and trial of the Mechanism's fugitives, the Prosecutor has put in place a roster of potential staff to be hired in the event of further fugitives being apprehended and brought to trial.

28. The Prosecutor continued to render assistance to Rwanda, when requested, in the tracking of the six fugitives whose cases have been referred to Rwanda, namely Fulgence Kayishema, Phénéas Munyarugarama, Aloys Ndimbati, Ladislas Ntaganzwa, Ryandikayo and Charles Sikubwabo, and has jointly developed new initiatives with the Rwandan authorities to facilitate these efforts. The Prosecutor is grateful for continued support from INTERPOL, the United States Department of State, through its War Crimes Rewards Program, and some individual Member States in the tracking effort and is particularly grateful for the Security Council's renewed and essential call for all Member States to cooperate with the Mechanism in the arrest and prosecution of the nine remaining fugitives, in its statement to the press of 8 November 2014.

2. Appeal and post-appeal proceedings

29. During the reporting period, the Prosecution prepared and argued the *Ngirabatware* appeal and received the appeal judgement on 18 December 2014. With the conclusion of this case, the ad hoc appeals team prosecuting it was disbanded and the four staff members were separated from service by 31 January

2015. The Office responded to post-appeal motions filed by Eliézer Niyitegeka, Aloys Ntabakuze, François Xavier Nzuwonemeye and Jean de Dieu Kamuhanda.

3. Assistance to national jurisdictions

30. The servicing of foreign requests for assistance has remained an important function of the work of the Office of the Prosecutor. During the reporting period, the Prosecutor responded to 26 requests from eight Member States and international organizations. The Office has institutionalized a system-wide, more efficient response mechanism in order to deal with the volume of documents involved in searches, analyses and classification.

4. Preservation and management of archives

31. During the reporting period, the Arusha branch has taken custody of 3,489 boxes of material received from the Office of the Prosecutor of the International Criminal Tribunal for Rwanda. In addition, the Prosecutor's evidence vault, with a collection comprising 105.55 linear metres of documents, was transferred to the custody of the Arusha branch of the Office of the Prosecutor on 24 April 2015.

32. For the efficient management of the Prosecutor's records and evidence collection, an Associate Records Manager and an Associate Information Manager were recruited on an ad hoc basis and assumed their functions on 4 March 2015 and 1 May 2015, respectively. They are working closely with staff of the Office of the Prosecutor of the International Criminal Tribunal for Rwanda in the classification of its evidence and records in accordance with the Secretary-General's bulletin on issues of information sensitivity, classification, handling and access in relation to international criminal tribunals (ST/SGB/2012/3) and the Mechanism's standard for the preparation and transfer of records for digital records.

5. Monitoring of cases transferred to national jurisdictions

33. The Prosecutor continued to monitor progress in the referred cases of Wenceslas Munyeshyaka and Laurent Bucyibaruta, which were transferred to France in 2007, together with those of Jean Uwinkindi and Bernard Munyagishari, which were transferred to Rwanda in 2012 and 2013, respectively. The investigation phase of the *Munyeshyaka* case has now been concluded, and any trial would be expected to commence and be completed before the end of 2015. In the *Bucyibaruta* case, investigations are now scheduled to be completed by November 2015, and any trial would be expected to commence in the first trimester of 2016.

34. The *Uwinkindi* trial, which commenced on 14 May 2014, continues before the High Court with substantial interlocutory appeals to the Supreme Court in Rwanda. In addition, Mr. Uwinkindi filed a request for revocation of the referral, which is currently pending before a Trial Chamber of the Mechanism. The *Munyagishari* case is still in the pretrial phase before the High Court in Rwanda, and no commencement date has yet been scheduled. On 8 April 2015, the President of the Mechanism dismissed Mr. Munyagishari's third request for revocation of his referral.

6. External relations and other projects

35. During the reporting period, the Prosecutor continued a series of United Nations consultative meetings, diplomatic outreach and round-table discussions that provided a useful forum for sharing experiences and best practices on diverse international criminal justice issues and their local application in domestic courts. The Arusha branch of the Office of the Prosecutor continued to work with its counterpart in the International Criminal Tribunal for Rwanda on a number of projects, including the preparation of a regional training programme on the investigation and prosecution of sexual and gender-based violence, the development of a best practices manual on the referral of international cases to national jurisdictions and a consolidated account of the Rwandan genocide based on facts adjudicated in the judgements of the Tribunal and the Mechanism.

B. The Hague branch of the Office of the Prosecutor

36. While the core posts of the Hague branch of the Office of the Prosecutor are fully staffed, six recruitment processes for ad hoc appeals posts have been completed or are at an advanced stage, in preparation for projected appeals in the *Šešelj* and *Karadžić* cases. Staff members of the Hague branch contribute to Mechanism-wide management by participating in and supporting committees and working groups. In addition, double-hatting arrangements are in place to make effective use of resources, so that staff members of the Hague branch continue to provide assistance to the Office of the Prosecutor of the International Tribunal for the Former Yugoslavia in relation to ongoing cases. They continue to receive support from the Tribunal's Office of the Prosecutor to ensure a smooth transition of functions.

1. Appeal and post-appeal proceedings

37. There were no appeals during the reporting period. Ad hoc appeals posts will be filled to prosecute the projected appeals in the *Šešelj* and *Karadžić* cases.

2. Review proceedings

38. The Hague branch of the Office of the Prosecutor responded to a request for review of judgement by Sreten Lukić.

3. Other litigation

39. The Prosecution made submissions in two cases concerning the status of documents on the record in cases completed by the International Criminal Tribunal for the Former Yugoslavia.

4. Diplomatic and external relations

40. During his first official visit to Bosnia and Herzegovina, Croatia and Serbia since starting work at the Hague branch as the Mechanism's Prosecutor, the Prosecutor held meetings with ministers and deputy ministers of foreign affairs and justice in all three States and with other international officials. The Prosecutor also signed memorandums of understanding with prosecutors in the three States regarding the framework for continued assistance provided by the Hague branch in

facilitating access to evidence in The Hague. In Bosnia and Herzegovina, the Prosecutor visited three memorial sites for Bosnian Muslim, Croat and Serb victims.

41. Since then, the Prosecutor has also signed a memorandum of understanding with the Minister of Justice of Bosnia and Herzegovina on facilitating access to evidence in The Hague for the Criminal Defence Section of the Ministry of Justice of Bosnia and Herzegovina. The Prosecutor participated in a conference on genocide organized by witness and victims' groups and in the commemoration of the genocide in Srebrenica in Bosnia and Herzegovina. The Prosecutor also attended the conference on regional cooperation of war crimes prosecutors, hosted by the war crimes prosecutor of Serbia in Palić, Serbia, and the annual conference of regional prosecutors from the former Yugoslavia hosted by the office of the Attorney General of Croatia in Brijuni

5. Assistance to national jurisdictions

42. During the reporting period, there was a continued increase in the volume of requests for assistance beyond the level anticipated in the budget. The Hague branch of the Office of the Prosecutor received 335 requests for assistance from five Member States and one international organization. A total of 579 requests for assistance have been received since the branch started operating on 1 July 2013. Due to the high number of requests for assistance, the Hague branch continued to employ a staff member on a temporary contract to assist in responding to requests for assistance and started to use overtime to avoid the accumulation of too large a backlog from accumulating. The liaison prosecutors embedded with the Office of the Prosecutor of the International Tribunal for the Former Yugoslavia have made a valuable contribution to the efficient handling of requests from Bosnia and Herzegovina, Croatia and Serbia. In responding to requests for assistance, staff located relevant material in the evidence collection of the Office of the Prosecutor of the Tribunal, certified documents, contacted witnesses and sought the consent of providers of confidential information. The Hague branch, together with the Office of the Prosecutor of the Tribunal, provided support to visiting national prosecutors. In addition, the Hague branch filed submissions in nine cases in relation to varying protective measures for the purpose of national proceedings.

43. The Hague branch also applied on behalf of the Prosecutor's Office of Bosnia and Herzegovina for the Registry of the Court of Bosnia and Herzegovina to retain temporary custody of the model of Omarska camp, an exhibit of the International Tribunal for the Former Yugoslavia. The request was granted for a limited period of time.

6. Sentencing matters

44. The Hague branch of the Office of the Prosecutor responded to requests for information from the Registrar of the Mechanism concerning the administration of sentences for nine convicted persons.

45. The Hague branch made submissions with respect to requests for early release, including a request from Stanislav Galić, who was sentenced to life imprisonment. It also responded to applications from convicted persons concerning sentencing matters, to a request from Milan Lukić for reconsideration or review of the decision for him to serve his sentence in Estonia, and to a request from Zoran Žigić to

prevent his extradition to Bosnia and Herzegovina upon being released from serving his sentence.

7. Monitoring of cases transferred to national jurisdictions

46. The Hague branch of the Office of the Prosecutor, with the assistance, in Bosnia and Herzegovina of the Organization for Security and Cooperation in Europe, monitored the resentencing proceedings in the *Milorad Trbić* case, which was referred to Bosnia and Herzegovina in 2007 under rule 11 bis of the Tribunal's rules of procedure and evidence. Originally sentenced to 30 years of imprisonment by the Court of Bosnia and Herzegovina, Mr. Trbić's resentencing followed the finding in 2014 by the Constitutional Court of Bosnia and Herzegovina that he should have been sentenced under the 1976 criminal code of the Socialist Federal Republic of Yugoslavia rather than under the Criminal Code of Bosnia and Herzegovina of 2003. As a result, Mr. Trbić was sentenced to 20 years of imprisonment.

8. Preservation and management of archives

47. The Hague branch of the Office of the Prosecutor is working with the Office of the Prosecutor of the International Criminal for the Former Yugoslavia to prepare for records from the latter to be handed over to the Hague branch. The Hague branch has also been working on enhancing its records management system and procedure and is consulting with the Mechanism's Archives and Records Section and Information Technology Services Section to adopt a system that will be compatible with the future archiving systems of the Mechanism.

V. Activities of the Registry

48. The Registry is responsible for the provision of legal, judicial, policy, diplomatic and administrative support to Mechanism operations.

A. Administration, staffing and facilities

49. As agreed between the two Tribunals and the Mechanism, and in view of the closure of the International Criminal Tribunal for Rwanda at the end of 2015, the Mechanism continued with the establishment of a system of self-administration. The transfer of administrative functions to the Mechanism began on 1 January 2014 and continues to be implemented gradually over the biennium, in step with the downsizing of the Tribunals and with a focus on ensuring efficiency, accountability and consistency.

50. In 2016, the Arusha branch of the Mechanism will assume responsibility for the general services and security functions that are currently being provided by the International Criminal Tribunal for Rwanda. Additionally, the Mechanism has been requested to undertake liquidation activities with respect to the Tribunal during the first half of 2016.

51. As at 30 June 2015, a total of 171 staff (in both posts and providing general temporary assistance positions), had been recruited for the Mechanism: 93 for the Hague branch and 78 for the Arusha branch, including Kigali. The Mechanism's

staff includes nationals of 57 States. Approximately 84 per cent of those recruited were current or former staff of the two Tribunals. Fifty-three per cent of all staff were female and 47 per cent male. For Professional-level staff and above, the figures were 57 per cent female and 43 per cent male.

52. The Hague branch of the Mechanism is co-located with the International Tribunal for the Former Yugoslavia, and will continue to be co-located for the period they overlap. The Mechanism has a strong preference for remaining at its current premises after the Tribunal's closure. Discussions with the host State authorities and the owners of the premises are ongoing, and work on this issue is being coordinated by a working group comprised of representatives of the three organs of the Mechanism.

53. The Arusha branch continues to be co-located with the International Criminal Tribunal for Rwanda, but is expected to move to its new premises in early 2016. The construction phase is ongoing. In February 2015, the Mechanism concluded the contract with a well-established Tanzanian construction company based in Arusha, and ground was broken that same month. The Government of the United Republic of Tanzania has completed the temporary access road to the site, and work on the connection of utilities is in progress. The Mechanism delivers annual progress reports to the General Assembly on the construction project. Moreover, regular updates on the construction progress are posted on the Mechanism's website. The Mechanism is grateful for the cooperation of the Government of the United Republic of Tanzania and for the technical advice of the Secretariat, particularly the Office of Central Support Services and the Office of Legal Affairs.

B. Support for judicial activities

54. The Registry continued to support judicial activities in both branches by preparing and managing court hearings, including the delivery of the appeal judgement in *Augustin Ngirabatware v. the Prosecutor* on 18 December 2014. Additional Registry support included the processing of judicial filings, assigning and remunerating defence teams, and providing translations of correspondence and judicial documents.

55. Further, the Registry continued to support all sections of the Mechanism in the creation of rosters of qualified potential staff from both inside and outside the two Tribunals, in order to ensure that the Mechanism could expand its staffing component rapidly in the event of sudden judicial activity, for instance following the arrest of a fugitive.

56. In addition, the Registry expanded a roster of qualified counsel under rule 43 (B) of the Rules of Procedure and Evidence of the Mechanism who can be assigned to suspects or accused, as well as a roster of duty counsel under rule 43 (C) who are readily available to be assigned to an accused for the purposes of an initial appearance.

C. Support for other mandated activities

1. Witness support and protection

57. Pursuant to its statute and the transitional arrangements, the Mechanism is responsible for witness support and protection functions in relation to thousands of witnesses who have testified in cases completed by the two Tribunals.

58. The Witness Support and Protection Unit is fully operational at both branches of the Mechanism and provides essential protection and support services to witnesses. Consistent with judicial protection orders and in close collaboration with other United Nations entities and domestic authorities, the Unit provides security to witnesses by undertaking threat assessments, coordinating responses to security requirements and safekeeping confidential witness information. In addition, the Arusha branch of the Unit continues to provide support services to witnesses in Kigali, including specialized medical and psychosocial care for witnesses who were victims of sexual or gender-based violence during the Rwandan genocide. Both branches are continuing with the implementation of a pilot study on the long-term impact that testifying before the Tribunals may have on witnesses.

59. At both branches, the Unit continued to contact witnesses in response to requests from national jurisdictions seeking rescission, variation or augmentation of protective measures pursuant to rule 86 of the Rules of Procedure and Evidence of the Mechanism.

60. Finally, as part of the commitment to the maintenance of witness-related records received from the Tribunals, the Unit is in the final stages of establishing a common information technology platform for their respective witness databases.

2. Archives and records management

61. During the reporting period, the Mechanism's Archives and Records Section continued to work closely with the Tribunals on the preparation of their records and archives for transfer to the Mechanism. The Section provided training, advice and practical assistance to Tribunal staff and facilitated both the transfer of active records to Mechanism offices and the transfer of inactive records to the Section itself for storage.

62. It was initially estimated that the archives of the two Tribunals would collectively amount to approximately 15,000 linear metres of physical records. After a more detailed inventory and appraisal, it is now estimated that the total volume will be approximately 10,000 linear metres. The Tribunals' digital archives will contain nearly three petabytes of digital data.

63. Of the estimated total volume of the Tribunals' inactive physical records that are expected to be transferred to the Section when the Tribunals close, the Section had received approximately 75 per cent and 22 per cent from the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, respectively, as at the date of the present report.

64. The Section has also received the first transfers of the Tribunals' digital records and has initiated the procurement of a digital preservation system, including a digital repository, for the preservation of the Tribunals' digital archives.

65. The Section is responsible for the management of temporary repositories for physical records in both Arusha and The Hague, pending the development of permanent repositories in both locations. In Arusha, the Section contributed to the design and development of the new Mechanism premises by preparing specifications and estimates of resource requirements for the building that will house the archives, and is developing a plan for the physical move of the archives in the first quarter of 2016, when the construction of the new facility is scheduled for completion. In The Hague, the Section is contributing to discussions on the future premises of the Mechanism, including facilities for housing the archives.

66. The Section has continued to develop Mechanism records and archives policies, including a policy on access to information, standards for record-keeping metadata, and guidelines on managing digital records. The Section has also implemented the electronic document and record management system for non-judicial records of the Registry and is exploring the feasibility of extending its use to the other organs of the Mechanism. In addition, the Section is providing substantive and technical support to the development of a system for managing the judicial records of both Tribunals and the Mechanism.

67. The Section is responsible for the management of the Mechanism's library, in Arusha, which is one of the premier international law research resources in East Africa. It provides research and reference services to the International Criminal Tribunal for Rwanda and Mechanism staff, as well as to external users, including the general public.

68. Finally, the Section organized the first official exhibition of materials from the judicial archives of the International Tribunal for the Former Yugoslavia. The exhibition attracted a significant number of visitors and was well received.

3. Enforcement of sentences

69. During the reporting period, the Hague branch transferred four convicted persons to enforcement States. At the end of the reporting period, the Arusha branch was enforcing 29 sentences in 2 States, and the Hague branch was enforcing 17 sentences in 11 States. Further, seven convicted persons at the United Nations Detention Facility in Arusha and six convicted persons at the United Nations Detention Unit in The Hague are awaiting transfer to an enforcement State.

70. The Mechanism continued to both seek the cooperation of existing enforcement States in enforcing sentences of the Tribunals and the Mechanism and secure additional agreements to increase its enforcement capacity for both branches. Further, the Mechanism has proposed to some of the enforcement States a new model agreement or amendments to the existing agreements to provide greater clarity on financial matters and the respective responsibilities of the enforcement States and the Mechanism. The Mechanism is grateful to the Member States that are enforcing sentences and those that are considering enforcing sentences in future.

71. Throughout the reporting period, the Mechanism continued to rely on the Department of Safety and Security, the designated official in Mali and the United Nations Multidimensional Integrated Stabilization Mission in Mali for advice and reports on the security situation in Mali, where 16 convicted persons under the responsibility of the Mechanism are serving their sentences.

4. Assistance to national jurisdictions

72. The Registry facilitates requests by national authorities or parties to national proceedings for assistance in connection with domestic proceedings related to the genocide in Rwanda or the conflict in the former Yugoslavia. During the reporting period, the Registry received, considered and responded to numerous requests for assistance, including requests to question detained persons and protected witnesses, to vary protective measures for witnesses and to retrieve and transmit confidential and certified material to national authorities.

5. Monitoring of referred cases

73. Pursuant to article 6 (5) of its statute, the Mechanism is responsible for monitoring cases referred by the Tribunals to national courts, with the assistance of international and regional organizations and bodies. During the reporting period, the Mechanism monitored two of the cases referred to Rwanda through monitors from international bodies and interim monitors provided by the International Tribunal for the Former Yugoslavia and the Mechanism. In March 2015, following the conclusion of a memorandum of understanding with the Mechanism on 15 January 2015, the Kenyan section of the International Commission of Jurists started monitoring the cases referred to Rwanda. The Mechanism is working on establishing a similar monitoring arrangement for the two cases referred to France which, in the meantime, are being monitored by an interim monitor from the International Criminal Tribunal for Rwanda. Public monitoring reports are posted on the Mechanism's website.

6. External relations and information-sharing

74. The Mechanism's multilingual website continues to serve as the virtual face of the institution. The audience grew by 50 per cent, with more than 260,000 page views in the last 12 months. The collection of public materials now includes more than 950 case documents and detailed information pertaining to the work and procedures of the Mechanism. Online information on the search for fugitives was added, and a feature highlighting the unique role of the Mechanism's Archives and Records Section was introduced. Additionally, a project was initiated to integrate a database developed by the Section into the website, which will facilitate access to the judicial records and archives of both the Mechanism and the International Criminal Tribunal for Rwanda. Finally, the webpage on the construction of the Arusha facility was regularly updated to reflect the project's advancement.

VI. Conclusion

75. The Mechanism's progress in completing its judicial and other work swiftly while maintaining the highest of standards underscores its commitment to the mandate entrusted to it by the Security Council and to serving as a model for international criminal justice institutions. As the Mechanism increasingly assumes responsibility for all aspects of the two Tribunals' work, it will continue to focus on completing its mandate in a lean and efficient manner.